

## The Gazette



## of India

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## NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 3rd June 1952 :—

Issue No.	No. and date	Issued by	Subject
87	S. R. O. 936, dated the 26th May 1952.	Ministry of Commerce and Industry.	The Registration and Licensing of Industrial Undertakings Rules, 1952.
88	S. R. O. 937, dated the 27th May 1952.	Ministry of Law.	Fixation of polling hours from 7 A.M. to 12 Noon and 1 P.M. to 5 P.M. in the Coimbatore Parliamentary Constituency of the State of Madras.
	S. R. O. 938, dated the 27th May 1952.	Ditto.	Fixation of polling hours from 7 A.M. to 12 Noon and 1 P.M. to 5 P.M. in the Aruppukkottai Parliamentary Constituency of the State of Madras.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

## PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).**

## MINISTRY OF LAW

*New Delhi, the 27th May 1952*

**S.R.O. 976.**—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law No. S.R.O. 215, dated the 9th February 1952, relating to the execution of contracts and assurances of property, namely:

1. In Part II of the said notification, in items 2, 3, 4, 5 and 6 for the words "Deputy Textile Commissioner" the words "Joint Textile Commissioner" shall be substituted.

2. In Part IV of the said notification:—

- (i) Under Head A, in entry (i) of item 2 the words "*the Chief Inspector of Military Explosives, the Inspector of Metal and Steel*" shall be omitted.
- (ii) In Head L. after the words "*Assistant Naval Store Officer, Vizagapatam*" the words "*Assistant Naval Stores Officer (Air), Cochin*" shall be inserted.

3. In Part X of the said notification, under Head B, after entry (v) the following shall be added, namely:—

- "(vi) Security bonds for the due performance of their duties by Officers of the Survey of India, Class I Service; by the Survey or General".

4. In Part XI of the said notification:—

- (i) After item 3, the following item shall be inserted, namely:—

"4. In the case of the Serologist and Chemical Examiner to the Government of India, Calcutta (subject to the limits fixed by the Central Government):—

Contracts for the purchase of animals for Laboratory work or contracts for the purchase of articles of food or for the purchase of fodder for such animals; by the Serologist and Chemical Examiner to the Government of India, Calcutta."

- (ii) Existing items 4 and 5 shall be renumbered as items 5 and 6 respectively.

5. In Part XIII of the said notification:—

- (i) In entry (i) of item 4, after the words "*Director General, All India Radio*", the words "*Deputy Director General (Administration), All India Radio*" shall be inserted.

- (ii) For entry (ii) of item 4, the following shall be substituted namely:—

"(ii) All contracts and instruments relating to the business of the publication of radio journals; by the Editor or the Assistant Editor, Indian Listener."

- (iii) In item 5, after the words "*Director General, All India Radio*" the words "*Deputy Director General (Administration), All India Radio*" shall be inserted.

6. In Part XXVII of the said notification:—

- (i) For the words "*Chief Commissioner, Vindhya Pradesh*" the words "*Lieutenant Governor, Vindhya Pradesh*" shall be substituted.

- (ii) In item 1 for the words "*by a Secretary to the Chief Commissioner*", the words "*by a Secretary to the Government of Vindhya Pradesh*" shall be substituted.

7. In part XXIX of the said notification:—

- (i) For the words "*Chief Commissioner, Himachal Pradesh*" the words "*Lieutenant Governor, Himachal Pradesh*" shall be substituted.

- (ii) In item 1 for the words "*by the Chief Commissioner*", the words "*by a Secretary to the Government of Himachal Pradesh*", shall be substituted.

- (iii) In clause (f) of item 5, for the words "*by the Deputy Commissioner or Secretary or Assistant Secretary to the Chief Commissioner*", the words "*by the Deputy Commissioner, or a Secretary or an Assistant Secretary to the Government of Himachal Pradesh*", shall be substituted.

- (iv) In item 6, for the words "*by the Chief Commissioner*", the words "*by a Secretary to the Government of Himachal Pradesh*" shall be substituted.

8. In Part XXX of the said notification:—

- (i) For item 1, the following item shall be substituted namely:—

"1. All deeds, contracts and other instruments relating to (a) grant of land, (b) working and business of Public Works Department including Irrigation and General Administration of the State under the Central P.W.D. Code, (c) prospecting and exploring licenses and mining leases,

(d) lease or sale of Government property or (c) matters other than those specified in items 2 to 5 below; *by the Chief Commissioner*".

(ii) Item 6 shall be omitted.

9. In Part XXXI of the said notification, in Item 1, for the words "*by the Chief Commissioner*" the words "*by a Secretary to the Government of Bhopal*" shall be substituted.

[No. F.32-III/52-L.]

B. G. MURDESHWAR, Dy. Secy.

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 29th May 1952*

**S.R.O. 977.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the Rules published with the notification of the Government of India in the late Home Department No. F.9-19/30-Ests., dated the 27th February 1932, namely:—

In the Schedule annexed to the said Rules, under the heading "Department of Communications", and the sub-heading "Indian Posts and Telegraphs Department" the following entries shall be inserted after item (2), namely:—

" (2) (a) *Foreign Post, Bombay.*

Ministerial staff in Higher Selection Grade and Lower Selection Grade and I.F.M.	Director, Foreign Post Bombay	Deputy Director, Foreign Post, Bombay	(i) to (v)	Director, Foreign Post, Bombay.
		Director, Foreign Post, Bombay.	(vi) and (vii)	Head of Circle.
Ministerial staff in clerical grades (including Sorters) Caretakers, Carpenters, Mechanics & Operative artificers.	Deputy Director, Foreign Post, Bombay.	Deputy Director, Foreign Post, Bombay.	All	Director, Foreign Post, Bombay.
Class IV officials including staff paid from contingencies on a monthly basis.	—do—	Assistant Director (in his own group of the Foreign Post)	(i) to (v)	Deputy Director, Foreign Post.
		Deputy Director, Foreign Post.	(vi) & (vii)	Director, Foreign Post.
		Deputy Director, Foreign Post (in other groups).	All	—do—"

[No. 7/13/52-Ests.]

S. P. MAHNA, Asstt. Secy.

*New Delhi, the 30th May 1952*

**S.R.O. 978.**—The following draft of certain further amendments which it is proposed to make in the Registration of Foreigners Rules, 1939, in pursuance of section 3 of the Registration of Foreigners Act, 1939 (XVI of 1939), is published as

required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration by the Central Government on or after the 30th June 1952.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Central Government.

*Draft amendments*

In the said Rules,—

1. For clause (j) of rule 2, the following clause shall be substituted, namely:—

(j) "tourist" means a foreigner having no residence or occupation in India whose stay in India does not ordinarily exceed three months, who has no other object in visiting India than recreation or sight-seeing and who has been granted a Certificate of Registration in Form 'D'.

2. In rule 5—

(a) for the existing sub-rule (2) the following sub-rule shall be substituted, namely:—

"(2) Every registration report in the case of a foreigner, who is not a "tourist" shall be made in writing, in the English language and in triplicate and shall contain a true statement of the foreigner's address in India and of the other particulars specified in items 2 to 10 of Form A and such of the particulars specified in items 12 to 15 thereof, as may be appropriate";

(b) after sub-rule (2) the following sub-rule shall be inserted, namely:—

"(2A) Every registration report in the case of a foreigner who is a "tourist" shall be made in writing, in the English language and in duplicate and shall contain a true statement of the foreigner's address in India and of the other particulars specified in items 1 to 11 of Form D."

(c) in sub-rule (3), for the words "sub-rule (2)" the words "sub-rules (2) and (2A)" shall be substituted;

(d) in sub-rule (5), for the words "Form A" the words "Forms A and D" shall be substituted.

3. In rule 6—

in sub-rule (2), after the words "Form A" the words "or Part II of Form D, as the case may be" shall be inserted.

4. In rule 7—

(a) for sub-rule (1) the following sub-rule shall be substituted, namely:—

"(1) If the Registration Officer is satisfied that any foreigner entering India is a *bona fide* tourist, he may issue to the said foreigner a Certificate of Registration in Form D."

(b) in sub-rule (2), for the words "that in no case shall the period of such validity exceed three months", the words "that the period of such validity shall not ordinarily exceed three months" shall be substituted;

(c) in the proviso to sub-rule (2) for the words "that in no case shall the validity be so extended beyond three months after the date on which the said tourist entered India", the words "that the validity shall not ordinarily be extended beyond three months after the date on which the said tourist entered India", shall be substituted;

(d) for sub-rule (4) the following sub-rule shall be substituted, namely:—

"(4) Any tourist who is in India after the date of the expiry of his Certificate of Registration shall cease to be a tourist within the meaning of these Rules and shall surrender his Certificate of Registration in Form D to a Registration Officer and get himself registered again in Form A."

5. In sub-rule (1) of rule 8 for the words "passport and such other proof" the words "passport or such other proof" shall be substituted.

6. In sub-rule (2) of rule 15 for the words "set out in items 1, 2 and 10, and if he is a foreigner items 3 to 9 of Form D" the words "set out in Form E" shall be substituted; in sub-rule (5), for the word and letter "Form D" the word and letter "Form E" shall be substituted.

## 7. In rule 16—

(a) In sub-rule (1) (i), for clause (a) the following clause shall be substituted, namely:—

“(a) Before any passenger disembarks or embarks, supply to the Registration Officer of the place of arrival in, or departure from, India a schedule of passengers in Form G;

Provided that this requirement shall be deemed to be satisfied if a copy of the list of passengers provided for in clause (ix) of sub-rule (2) of rule 7 of the Indian Aircraft Rules, 1937, is supplied to Registration Officer;”;

(ii) in clause (b) after the words “items 2 to 15 of Form A” the words “or items 1 to 12 of Form D, as the case may be” shall be added;

(iii) In clause (c) for the word and letter “Form F” the word and letter “Form G” shall be substituted;

(b) in sub-rules (2) and (3), after the word and letter “Form A” the word and letter “or Form D, as the case may be,” shall be inserted;

(c) In sub-rule (4), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) require any person who intends to disembark from, or embark on, that vessel for the purpose of entering or leaving India, as the case may be, to furnish in writing a true statement of the particulars set out in Form F or Form E, as the case may be;

(b) cause Form F or Form E, as the case may be, when so completed to be delivered together with the schedule in Form G to the Registration Officer of the place of arrival or departure; and”;

(d) in sub-rule (5), for the word and letters “Forms D, E and F” the word and letters “Forms E, F and G” and for the word and letter “Form E” the word and letter “Form G” respectively shall be substituted;

(e) in sub-rule (6), for the word and letters “Forms E and F” the word and letters “Forms E, F and G” shall be substituted.

8. Forms D, E and F shall be omitted and the following shall be added at the end, namely:—

“The Registration of Foreigners Rules, 1939.

“FORM D  
(Tourists)”

“(To be completed in duplicate).

PART I.—Registration Report.

PART II.—Certificate of Registration—(See rules 2, 5, 6, 7, 9, 13, 15, 16 and 17).

Registration Number—————

1. Name in full. (block capitals, surname first).
2. Sex.
3. Height and build.
4. Date and place of birth.
5. Nationality.
6. Permanent address.
7. Occupation.
8. Number, date and office of issue of passport.
9. Number, date and place of issue of visa for India.
10. Purpose of visit (if any besides touring).

11. Identity marks.
12. Address in India.

Signature of tourist.

The holder is permitted to remain in India until....., unless permitted to extend stay by a competent authority.

Registration Officer.

Seal.

Registered at.....on.....19 .

### Reverse (on Part II only).

#### NOTICE

1. Every registered tourist is required;

(a) on the demand of any Registration Officer or Magistrate or any Police Officer not below the rank of Head Constable to produce this Certificate and his/her Passport or such other proof of identity as may be required of him/her by such Magistrate or Officer;

(b) at the time of departure from India to surrender this Certificate to the Registration Officer of the place from where he/she proposes to leave India on board a vessel, or to such authority as the said Officer may appoint in this behalf.

(c) to leave India within the specified period, unless permitted to extend stay by a competent authority.

2. Failure to comply with the foregoing provisions will render the holder of this Certificate liable to imprisonment or fine or both."

#### REGISTRATION OF FOREIGNERS RULES, 1939.

**IMPORTANT.** This card must be filled in by the passenger before embarking.

**FORM E**  
(Embarkation Card)  
(See Rules 15 and 16).

Name of shipping or aircraft company.

Name of vessel or aircraft.

Port of dis-embarkation abroad.

1. Name in full: Mr./Mrs./Miss (in block letters).
2. Nationality.
3. Nationality at birth.
4. Date of birth.
5. Place of birth.
6. No. of Passport.
7. Place of issue.
8. Date.
9. Country of residence (Usual or permanent).
10. Occupation.
11. Purpose of visit.
12. Address in India.
13. Port of departure.

Date

Signature.

### Reverse.

#### FOR OFFICIAL USE ONLY

Number, date and place of issue of Registration Certificate.....

District of registration.....

Remarks of Registration Officer.....

## REGISTRATION OF FOREIGNERS RULES, 1939.

IMPORTANT. This card must be filled in by the passenger before disembarking in India.

FORM F  
(Disembarkation Card).  
(See Rule 16.)

Name of shipping or aircraft company.

Name of vessel or aircraft.

Port of embarkation.

1. Name in full: Mr./Mrs./Miss (in block letters).

2. Nationality.

3. Nationality at birth.

4. Date of birth.

5. Place of birth.

6. No. of Passport.

7. Place of issue.

8. Date.

9. Country of residence (Usual or permanent).

10. Occupation.

11. Duration of proposed stay in India.

12. Purpose of visit.

13. Address in India.

14. Port of arrival.

Date.

Signature.

Reverse.

## FOR OFFICIAL USE ONLY

Number and date of Registration Certificate.

Date and place of departure.

## REGISTRATION OF FOREIGNERS RULES, 1939.

## FORM G

(See Rule 16.)

'Schedule of passengers embarking from India.  
disembarking in

Name of shipping or aircraft company.

Name of vessel or aircraft.

Port and date of embarkation/disembarkation.

Nom of passenger in full. (Surname first)	Nationality	Permanent address	Place of origin	Immediate destination	Ultimate destina- tion	Re- marks (for use of R. O.)
1	2	3	4	5	6	7

[No. 4/17/51-F.I.]

FATEH SINGH, Dy. Secy.

## RESERVE BANK OF INDIA

(Central Office)

Bombay, the 16th May, 1952

**S.R.O. 979.**—In pursuance of Rule 3 of the Foreign Exchange Regulation Rules, 1952, and in supersession of the notification of the Reserve Bank of India No. F.E.R.A. 111/52-RB, dated the 26th April 1952, the Reserve Bank hereby specifies that the forms in the First Schedule to the said Rules and set out in column 1 below, shall be used for the purposes of declaring the exports specified against each in column 2 below:—

Column 1 Form	Column 2 Purpose
1. Form G.R.1 . . . . .	To be used for declaring shipments to all countries other than those specified in Schedule annexed to the notification of the Government of India in the late Finance Department No. 12 (17)FI/47 dated the 4th August 1947 except Japan, Iran, Pakistan and Afghanistan, where payment is received in India by one of the methods specified in the second schedule annexed to the abovementioned Rules.
2. Form G.R. 2] . . . . .	To be used for declaring shipments to countries outside the sterling area where such shipments are financed under guarantee given by the United Kingdom agents of the exporters to the Bank of England to deliver to it the appropriate foreign currency or to obtain payment in sterling from an appropriate sterling non-resident account in the United Kingdom.
3. Form G.R. 3] . . . . .	To be used for declaring exports to the scheduled territories (sterling area) by shippers who under special arrangements made with the Reserve Bank of India are permitted to retain the proceeds of their exports to the scheduled territories with agents or branches in the United Kingdom or other sterling area countries and to utilise those proceeds to finance their imports into India from any sterling area country or to make other approved types of payments in such countries.
4. Form G.R.X. . . . .	To be used for declaring exports to Japan and Iran to which countries shipment is only permitted to be made subject to full payment being received in India in advance from the consignee abroad or under a confirmed irrevocable credit opened by the consignee in favour of the exporter.
5. Form E.P. . . . .	To be used for declaring exports to Pakistan or Afghanistan where payment is received by one of the methods specified in the note to item (C) of the Second Schedule annexed to the abovementioned Rules.
6. Form E.P.1]  . . . . .	To be used for declaring exports to Pakistan and Afghanistan by exporters who under special arrangements made with the Reserve Bank of India are permitted to retain the proceeds of their exports to those countries and to utilise them for payment of imports from those countries into India.
7. Form P.P. . . . .	To be used for declaring exports by post parcel to all countries other than those specified in the Schedule annexed to the notification of the Government of India in the late Finance Department No. 12(18)-FI/47, dated the 4th August, 1947.

[No. F.E.R.A.112/52-RB.]

B. RAMA RAU,  
Governor.



**MINISTRY OF FINANCE**

(CHARTERED ACCOUNTANTS)

*New Delhi, the 31st May 1952*

**S.R.O. 980.**—In exercise of the powers conferred on them by clause (b) of sub-section (2) of Section 9 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), the Central Government hereby nominates Mr. F. A. Cole, F.C.A. of Messrs. A. F. Ferguson and Company, Chartered Accountants, Bombay, to the Council of the Institute of Chartered Accountants of India *vice* Mr. G. M. Bathgate, resigned.

[No. 65(2)-ICA/52.]

**INSURANCE***New Delhi, the 7th June 1952*

**S.R.O. 981.**—In exercise of the powers conferred by the first proviso to Section 2C of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to exempt the British Commonwealth Insurance Company, Limited, an insurer constituted in the United Kingdom as a private company, from the operation of the said section for a further period of six months only from the 1st June 1952, for the purpose of carrying on fire insurance business within the States.

[No. Ins.A-87(1)/50.]

B. K. KAUL, Dy. Secy.

**MINISTRY OF FINANCE (REVENUE DIVISION)****CENTRAL EXCISE***New Delhi, the 7th June 1952*

**S.R.O. 982.**—The Central Government hereby rescinds the notification of the Government of India in the late Finance Department (Central Revenues) No. 15-Central Excises, dated the 21st July 1934.

[No. 8.]

A. K. MUKARJI, Dy. Secy.

**CENTRAL BOARD OF REVENUE****INCOME-TAX***New Delhi, the 28th May 1952*

**S.R.O. 983.**—The following draft of certain further amendment to the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of the powers conferred by sub-section (1) of Section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published, as required by sub-section (4) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th July 1952.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the said Board.

**Draft Amendment**

In the statement appended to rule 8 of the said Rules—

For the word "Aircraft" in item (i) of group K under sub-heading (2) of the heading "III Machinery and Plant", the word "Air-frame" shall be substituted.

[No. 33.]

**S.R.O. 984.**—The following draft of a further amendment to the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published, as required by sub-section (4) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th July 1952.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the said Board.

#### *Draft Amendment*

In the statement appended to rule 8 of the said Rules—

After group T under sub-heading (2) of the heading "III Machinery and Plant" the following entry shall be added, namely—

"U.—Earth moving machinery employed in heavy construction works, such as Dams, Tunnels, Canals, etc. (N.E.S.A.).

(i) Tractors	...	25
(ii) Dumpers	...	20
(iii) Motor Graders, Tournapul Scrapers, Excavators, Rooter, Tournado Dozer	...	15"

[No. 54.]

S. P. LAHIRI, Secy.

#### INCOME-TAX

*New Delhi, the 7th June 1952*

**S.R.O. 985.**—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely:—

In the "Form of Return of total income and total world income for individuals, Hindu Undivided Families, Companies, local authorities, firms and other associations of persons under sub-section (1) or (2) of section 22 of the Indian Income-tax Act, 1922" set forth in sub-rule (1) of rule 19 of the said rules—

In Note '15' of the Notes for Guidance in filling up Return Form I. T. 11 for the second, third and fourth sentences beginning with the words "if he is a British Subject" and ending with the words "total world income" the following shall be substituted, namely:—

"A non-resident has the option of being charged to tax on the basis of his 'total world income'. This option is to be exercised in the first year after the assessment year 1950-51 in which he becomes liable to be assessed and is final for all subsequent assessments also (For assessment year 1951-52 this option was to be exercised before the 31st December 1951 and in subsequent years it has to be exercised before 30th June). If no option is exercised, a non-resident will be liable to—

- (a) Income-tax on the total income at the maximum rate, and
- (b) super-tax which would be payable on his total income either (i) at the rate applicable in the case of an individual to the slab next to the slab exempt from super-tax or (ii) at the rate applicable to his total income if it were the total income of a person resident in the taxable territories, whichever is greater"

[No. 38.]

**S.R.O. 986.**—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely:—

I. For rule 36 of the said Rules, the following rule shall be substituted, namely:—

"36. An application for a refund of tax under section 48 of the Act shall be made in the following form:—

#### APPLICATION FOR REFUND OF INCOME TAX/SUPER TAX

I  
of (address)  
do hereby that my total income and total world income (See note 2) computed in accordance with the provisions of the Indian Income-tax Act, 1922 (XI of 1922),

during the year ending on being the previous year for the assessment for the year ending on the 31st March 19 , amounted to Rs. and Rs. respectively, that the total income-tax and super-tax chargeable in respect of such total income is Rs. and that the total amount of income-tax and super-tax paid, or treated as paid under sub-section (5) of section 18, is Rs.

I therefore request for a refund of Rs.

Signature.

I hereby declare that I am \*resident and ordinarily resident  
reside in but not ordinarily resident  
not resident

in the taxable territories and that what is stated in this application is correct.

Dated

19 .

Signature.

NOTE 1.—The application should be accompanied by a return of total income and total world income in the prescribed form.

NOTE 2.—Non-resident persons who elected to be assessed on the basis of their total world income should state the amount of such income in the space provided. Others should leave it blank.

NOTE 3.—Where the application is made in respect of interest on securities or dividends from companies, the application should be accompanied by the certificate prescribed under section 18(9) or section 20, as the case may be.

NOTE 4.—The application for a refund should be made to the Income-tax Officer for the district in which the applicant is chargeable directly to income-tax, or if he is not chargeable directly to income-tax, to the Income-tax Officer for the district in which the applicant ordinarily resides. Where there is a Special Refund Circle, the application for refund should be submitted to the Income-tax Officer of that circle.

NOTE 5.—A non-resident person should make his application for the refund:

- |   |   |
|---|---|
| (1) If the total income is made up of income wholly taxed at source or dividends or both— | To the I.T.O., Non-resident Refund Circle, Bombay.                          |
| (2) If any part of the income is derived from horse racing—                               | To the I.T.O. 'A' Ward, Poona.  |
| (3) If assessed through statutory agent—  | To the I.T.O. who has jurisdiction over the statutory agent.                |
| (4) Any other non-resident person—  | To the I.T.O. of the Circle in which the greater part of the income arises. |

NOTE 6.—That application may be presented by the applicant in person or through a duly authorised agent or may be sent by post.

\*Delete whichever description is inappropriate.

II. Rule 36-A shall be omitted.

[No. 37.]

K. B. DEB, Under Secy.

## MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 3rd May 1952

**S.R.O. 987.**—The following General Order issued by the Iron and Steel Controller under the proviso to sub-clause (1) of Clause 3 of the Iron and Steel (Control of Production and Distribution) Order, 1941, is hereby published for general information:—

"In exercise of the powers conferred on me under the proviso to sub-clause (1) of clause 3 of the Iron and Steel (Control of Production and Distribution) Order, 1941, I hereby direct that the following amendment shall be made in my General

Order issued *vide* the Ministry of Commerce and Industry Notification No. SC(A)-4(66), dated the 5th March, 1952, namely:—

In the Second Schedule annexed to the said General Order, the following entries shall be added to the entries relating to Punjab (I), namely:—

15. M/S Bharat Iron & Steel Industries.

Chheharta, Amritsar.

16. M/S C. L. Monga & Sons.

Industrial Area, Panipat.

M. K. POWVALA,

Iron and Steel Controller."

[No. SC(A)-4(66).]

New Delhi, the 3rd June 1952

**S.R.O. 988.**—The following Notification issued by the Iron and Steel Controller under clause 11B of the Iron and Steel (Control of Production and Distribution) Order, 1941, is published for general information:—

#### "NOTIFICATION

In exercise of the powers conferred by sub-clause (1) of Clause 11B of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Iron and Steel Controller is pleased to notify the following amendments to the Freight (Place Extras) List No. 1 of 1949, issued under the late Ministry of Industry and Supply Notification No. I(I)-1(146), dated the 9th March 1949, published in the *Gazette of India*, dated the 12th March 1949, as amended from time to time, namely—

1. Add the following entries in the List in alphabetical order:—

Destination	Place extra per ton		Destination	Place extra per ton	
	Rs.	As.		Rs.	As.
Barpeta Road	70	8	Katakhal	100	4
Bordutti Ghat	96	4	Kurseong	60	12
Cooch-Behar	62	8	Lumding	81	4
Darjeeling	72	4	Manipur Road	84	12
Dibrugarh Ghat	91	8	Naksalbari	37	0
Digboi	104	8	Saikhola Ghat	106	4
Dhubri	57	12	Sarupathar	86	8
Gauhati	68	4	Shillong O. A.	102	4
Goalpara	62	0	Shibsagar Town	106	0
Halbargaon	78	0	Silchar	101	4
Haldibari	42	8	Siliguri	39	8
Jalpaiguri	41	4	Tezpur Ghat	76	0
Jorhat Town	98	0	Tinsukia	99	0

2. The existing entries in respect of any of the Stations mentioned above shall be deleted.

M. K. POWVALA,

Iron and Steel Controller."

[No. SC(A)-2(71)/51.]

D. HEJMADI, Under Secy.

New Delhi, the 27th May 1952

**S.R.O. 989.**—In exercise of the powers conferred by sections 7, 13 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and of all other powers enabling it in this behalf, the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the

late Ministry of Industry and Supply No. S.R.O. 700, dated the 30th September 1950, namely:—

In clauses (a) and (b) of the said notification, for the words "Director General of Industries and Supplies" the words and brackets "Industrial Adviser (Chemicals), Ministry of Commerce and Industry" shall be substituted.

[No. 10(1)-PC/50.]

### ORDERS

*New Delhi, the 27th May 1952*

**S.R.O. 990.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September 1950, in so far as it relates to the fixation of maximum price of Caustic Soda, the Central Government hereby fixes the maximum price as shown in the Schedule annexed hereto in respect of 514 cwts. of caustic Soda imported from the United States of America per s.s. "Steel Director" by Messrs. East Africa Traders, 75, Khand Bazar, Bombay 3.

### SCHEDULE

(1)	(2)	(3)	(4)	(5)
Variety of Caustic Soda	Maximum price that may be charged by the importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
Caustic Soda.	Rs. 40-1-0 per cwt. Ex-godown/ F.O.R. Bombay.	The price specified in Column 2 PLUS— (a) actual railway freight by goods train or actual transport charges by sea from Bom- bay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price speci- fied in Column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in Column 4 PLUS a margin not exceeding Rs 1-12-0 per cwt.

*Note.*—These prices are exclusive of local taxes such as Sales Tax, Octroi and other local taxes which may be charged extra.

[No. PC-7(24)/52.]

*New Delhi, the 2nd June 1952*

**S.R.O. 991.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September, 1950 in so far as it relates to the fixation of maximum price of Soda Ash, the Central Government hereby fixes the maximum price as shown in the Schedule annexed hereto in respect of 908 cwts. (gross) of Soda Ash imported from the United States of America per s.s. 'City of Lucknow' during the month of March 1952 by Messrs. Joharmal Jugalkishore, 18 Amratolla Street, Calcutta.

## SCHEDULE

(1)	(2)	(3)	(4)	(5)
Variety of Soda Ash	Maximum price that may be charged by the importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
Soda Ash.	Rs. 25-2-0 per cwt. Ex-godown F.O.R. Calcutta.	The price specified in Column 2 PLUS— (a) actual railway freight by goods train or actual transport charges by sea from Calcutta to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in Column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in Column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

**Note.**—These prices are exclusive of local taxes such as Sales Tax, Octroi and other local taxes which may be charged extra.

[No. FC-7(2)/52.]

**S.R.O. 992.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September, 1950 in so far as it relates to the fixation of maximum price of Soda Ash, the Central Government hereby fixes the maximum price as shown in the Schedule annexed hereto in respect of 998 cwts. (gross) of Soda Ash imported from France per s.s. "Arthur Stove" during the month of March 1952 by Messrs. N. Manseta and Bros., 165, Lohar Chawl, Bombay.

## SCHEDULE

(1)	(2)	(3)	(4)	(5)
Variety of Soda Ash	Maximum price that may be charged by the importer	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
Soda Ash.	Rs. 24-8-0 per cwt. Ex-godown/ F.O.R. Bombay.	The price specified in Column 2 PLUS— (a) actual railway freight by goods train or actual transport charges by sea from Bombay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in Column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in Column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

**Note.**—These prices are exclusive of local taxes such as Sales Tax, Octroi and other local taxes which may be charged extra.

[No. FC-7(18)/51.]

New Delhi, the 3rd June 1952

**S.R.O. 993.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), and in partial modification of the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 500, dated the 2nd September, 1950 in so far as it relates to the fixation of maximum price of Soda Ash imported from the United States of America, the Central Government hereby fixes the maximum price as shown in the Schedule annexed hereto in respect of 909 cwts. (gross) of soda ash imported per s.s. "City of Philadelphia" during the month of March 1952 by Messrs. Joharmal Jugalkishore, 18 Maratolla Street, Calcutta.

## SCHEDULE

(1)	(2)	(3)	(4)	(5)
Variety of Soda Ash	Maximum price that may be charged by the importer.	Maximum price that may be charged by a distributor.	Maximum price that may be charged by a wholesale dealer.	Maximum price that may be charged by a retail dealer.
Soda Ash	Rs. 24-2-6 per cwt. Ex-godown F.O.R. Calcutta	The price specified in Column 2 PLUS (a) actual railway freight by goods train or actual transport charges by sea from Calcutta to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in Column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in Column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

*Note.*—These prices are exclusive of local taxes such as Sales Tax, Octroi and other local taxes which may be charged extra.

[No. PC-7(2)/52.]

**S.R.O. 994.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September 1950, in so far as it relates to the fixation of maximum price of caustic soda, the Central Government hereby fixes the following Schedule of maximum price in respect of 1128 cwts. (gross) of caustic soda imported from the United States of America per s. s. 'JALAKALA' during the month of April 1952 by Messrs. Girdharilal Damodardas Ltd., 691, Reid Road, Ahmedabad.

## SCHEDULE

(1)	(2)	(3)	(4)	(5)
Variety of Caustic soda.	Maximum price that may be charged by the importer.	Maximum price that may be charged by a distributor.	Maximum price that may be charged by a wholesale dealer.	Maximum price that may be charged by a retail dealer.
Caustic Soda.	Rs. 38.5.0 per cwt. Ex-godown/F.O.R. Bombay.	The price specified in Column 2 PLUS (a) actual railway freight by goods train or actual transport charges by sea from Bombay to the place of destination, and (b) handling charges not exceeding annas eight per cwt.	The price specified in Column 3 PLUS a margin not exceeding annas eight per cwt.	The price specified in Column 4 PLUS a margin not exceeding Rs. 1-12-0 per cwt.

*Note.*—These prices are exclusive of local taxes such as Sales Tax, Octroi, and other local taxes which may be charged extra.

[No. PC-7(21)/52.]

P. S. SUNDARAM, Under Secy.

New Delhi, the 3rd June 1952

**S.R.O. 995.—Corrigendum.**—In the Ministry of Commerce and Industry Notification No. S.R.O. 684, dated the 19th April, 1952, published at page 670 of the *Gazette of India*, Part II, Section 3, dated the 19th April, 1952 in item (b) of the *Proviso* for the word "proceeding" read the word "preceding".

[No. 9(4)-CT(A)/52.]

S. A. TECKCHANDANI, Under Secy.

## MINISTRY OF FOOD AND AGRICULTURE

## Agriculture

New Delhi, the 31st May 1952

**S.R.O. 996.**—In pursuance of sub-section (1) of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), the Central Government hereby empower the Chief Commissioner to remit or suspend rent under the said section.

[No. F.4-17/52-P.C.II.]

VISHNU SAHAY, Secy.

New Delhi, the 3rd June 1952

**S.R.O. 997.**—In pursuance of the provisions of sub-sections (e) and (g) of section 4 of the Indian Central Oilseeds Committee Act (IX of 1946), the Government of Bombay have nominated the Deputy Director of Agriculture (Crop Research) and Shri Mangaldas Tarachand Bhawisar, Manager, Co-operative Purchase and



Sales Union to be members of the Indian Central Oilseeds Committee to represent the Government of Bombay and growers, respectively, with effect from the 1st April, 1952.

[No. F.5-16/52-Com-II.]

**S.R.O. 998.**—In pursuance of the provisions of sub-section (g) of section 4 of the Indian Central Oilseeds Committee Act (IX of 1946), the Government of Madras have nominated Shri C. Ram Narayana Reddy, M.Sc., Shri C. V. Padmanabha Iyengar and Shri C. G. Guruswami Naidu, B.A., to be members of the Indian Central Oilseeds Committee to represent growers with effect from 1st April, 1952.

[No. F.5-16/52-Com-II.]

**S.R.O. 999.**—In pursuance of the provisions of sub-section (e) of section 4 of the Indian Central Oilseeds Committee Act, (IX of 1946), the Government of Madras have nominated the Director of Agriculture to be a member of the Indian Central Oilseeds Committee to represent the Government of Madras with effect from the 1st April, 1952.

[No. F.5-16/52-Com-II.]

**S.R.O. 1000.**—In exercise of the powers conferred by clause (b) of section 2 of the Indian Central Oilseeds Committee Act, 1946 (IX of 1946), and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture No. F.35-13/49-Com.II, dated the 11th August 1951, the Central Government hereby appoints the following Officers as 'Collectors' for the arcas mentioned against them:—

- |  |   |
|--|---|
| (1) Officers of Customs appointed under the Sea Customs Act, 1878. | Within their respective jurisdictions.  |
| (2) The Deputy Collector of Central Excise, Baroda.                | The districts of Banaskantha, Sabarkantha, Mehsana, Baroda, Dangs, Ahmedabad, Kaira, Panch-Mahals, Broach and Surat in the State of Bombay. |
| (3) The Collector of Central Excise, Bombay.                       | The districts of the State of Bombay other than those specified in (2) and excluding Amreli and the States of Bhopal and Madhya Pradesh.    |
| (4) The Collector of Central Excise, Madras.                       | The States of Madras, Coorg and Travancore Cochin.  |
| (5) The Collector of Central Excise, Calcutta.                     | The States of West Bengal and Orissa.   |
| (6) The Collector of Central Excise, Allahabad.                    | The States of Uttar Pradesh and Vindhya Pradesh.  |
| (7) The Collector of Central Excise, Shillong.                     | The States of Assam, Tripura and Manipur.   |
| (8) The Collector of Central Excise, Delhi.                        | The States of Punjab, Delhi, Ajmer, Bilaspur, Himachal Pradesh, Patiala and East Punjab States Union, Madhya Bharat and Rajasthan.          |
| (9) The Collector of Central Excise, Jaipur.                       | The States of Kutch and Saurashtra and the Amreli district of the State of Bombay.  |
| (10) The Collector of Central Excise, Hyderabad.                   | The States of Hyderabad and Mysore.   |
| (11) The Deputy Collector-in-Charge, Central Excise, Patna.        | The State of Bihar.   |

[No. F.35-13/49-Com.II.]

S. K. MIRCHANDANI, Under Secy.

## MINISTRY OF HEALTH

New Delhi, the 2nd June 1952

**S.R.O. 1001.**—In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the Indian Nursing Council Act, 1947 (XLVIII of 1947), the Central Government is pleased to nominate Lt. Col. C. K. Lakshmanan, L.M.S.

(Mad.) M.R.C.S., D.T.M. & H. (Lond.), D.P.H. (Eng.), Director General of Health Services, an *ex-officio* member of the Indian Nursing Council, as President of the Council from the 1st June 1952 until further orders.

[No F. 2-6/52-MI.]

P. S. DORASWAMI, Under Secy.

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## MINISTRY OF EDUCATION

(Archaeology)

New Delhi, the 29th May 1952

**S.R.O. 1002.—Corrigendum.**—In the Government of India, Ministry of Education notification No. F.4-4/51-A.2, dated the 13th May 1952, published in the *Gazette of India*, Part II, Section 3, dated the 17th May 1952.

For "Gateway of Torana".

Read "Gateway or Torana".

[No. F.4-4/51-A.2.]

B. CHATERJEE, Under Secy.

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## MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 30th May 1952

**S.R.O. 1003.**—Whereas in the notification of the Government of India in the late Railway Department (Railway Board) No. 1078-T, dated the 9th March 1929, general rules were made for all railways in the territory then known as British India administered by the Government and for the time being used for the public carriage of passengers, animals or goods.

And whereas the said rules were adopted by the Barsi Light Railway Company Ltd., Kurduwadi, with the sanction of the Government of India in the late Railway Department (Railway Board), conveyed in its notification No. 1078-T, dated 21st August 1929.

And whereas the said rules were amended by the Railway Board's notification No. 1263-TG, dated the 27th December 1951, published in the *Gazette of India*, Part II, Section 3, dated the 5th January 1952.

Now, therefore, in exercise of the powers conferred by sub-section (3) of the section 47 of the Indian Railways Act, 1900 (IX of 1900) and by the notification of the Government of India in the late Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board hereby sanctions the making of the said amendment in the said rules as adopted by the Barsi Light Railway Company Ltd., Kurduwadi.

[No. 1263-TG.]

RANJIT SINGH,

Director Traffic.

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## MINISTRY OF REHABILITATION

New Delhi, the 20th May 1952

**S.R.O. 1004.—Corrigendum.**—In Form 'B' appended to the Evacuee Interest (Separation) Rules, 1951, contained in this Ministry's notification No. S.R.O. 108, dated the 15th January 1952, published in the issue of the Government of India Gazette, dated the 19th January 1952, the following words shall be added after the word "annexed":—

"is composite property".

[No. 82(13)/51-Prop.]

New Delhi, the 28th May 1952

**S.R.O. 1005.**—In pursuance of the provisions of clause (7) of section 2 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951), the Central Government hereby directs that the following entry shall be added to the list of banking companies appended to the notification of the Government of India in the Ministry of Rehabilitation No. S.R.O. 609, dated the 27th March 1952, namely:—

"15. The National City Bank Limited."

[No. 68(18)/51-Prop.]

MANMOHAN KISHAN, Asstt. Secy.

Office of the Chief Commissioner.

**Office of the Chief Claims Commissioner**

Delhi, the 21st May 1952

**S.R.O. 1006.**—In supersession of the Gazette Notification No. 32(13)/AE/51, dated 3rd December 1951, and in exercise of the powers delegated to me by the Central Government under its Notification No. 32 (13)/AE/51, dated 15th May 1952, read with Section 4 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), it is directed that the Chief Claims Commissioner, Claims Commissioners and Deputy Chief Claims Commissioner mentioned below shall exercise jurisdiction as revising authority over the Claims Officers specified in column 4 of the schedule.

**SCHEDULE**

Serial No.	Name of the revising authorities	Name of the appropriate revising authority	Jurisdiction
1		Chief Claims Commissioner, (H. Qs. at Delhi.)	1. All Industrial Claims Officer. 2. All Claims Officers when dealing with claims in which the value claimed is one lac or over.
2		Shri S. P. Advani. (H. Qs. at Bombay).	1. All Officers linked to Sind agricultural land claims. 2. All Officers linked to Sind Urban and Rural building claims and posted at Bombay and Kalyan.
3	Shri Mi'awa Ram Kalia. Shri Hari Chand Matu. Dewan Futeh Chand. (H. Qs. at Delhi).	Shri J. K. Khanna. (H. Qs. at Delhi).	1. All Claims Officers linked to N.W.F.P. except those linked to agricultural land claims. 2. All Claims Officers linked to Multan, Gujranwala and Manwala district in the Punjab (P).
4	Shri Partap Shanker. Shri Bhanju Ram Gandhi. (H. Qs. at Delhi).	Shri R. K. Vaish. (H. Qs. at Delhi).	1. All Officers linked to Baluchistan excluding those linked to agricultural land claims. 2. All Officers linked to Montgomery, D. G. Khan, Jhelum, Muzaffargarh, Jhang, Sheikhupura districts in the Punjab (P). 3. All Officers linked to Bahawalpur State excluding those linked to agricultural land claims.

Serial No.	Name of the revising authorities	Name of the appropriate revising authority	Jurisdiction
5	Shri Ram Lall, (H. Qs. at Jullundur) Shri Kartar Singh Chadha, (H. Qs. at Delhi).	Shri L. R. Sikund. (H. Qs. at Jullundur).	1. All Claims Officers linked to Lyallpur, Lahore excluding Lahore City and Cantt. and Sialkot (including Shakargarh districts in Punjab (P).
6	Shri Gobind Ram Budhjaraja, (H. Qs. at Delhi)	Shri T. C. Aggarwal. (H. Qs. at Delhi).	1. All Claims Officers linked to agricultural land claims in Bahawalpur State N.W.F.P. and Baluchistan 2. All Claims Officers linked to Cambellpore district. 3. All Claims Officer working with the Central Organisation.
7	Shri Gobind Ram Budhjaraja, (H. Qs. at Delhi).	Shri T. C. Gupta, (H. Qs. at Delhi).	1. All Claims Officers linked to Gujarat district in Punjab (P).
8		Shri K. G. Bhojwani. (H. Qs. at Ajmer).	1. All Claims Officers linked to Sind Urban and Rural building claims except those posted at Bombay and Kalyan.
9	Shri Gurcharan Dass, Shri Chhajju Ram, (H. Qs. at Delhi).	Shri I. M. Lall. (H. Qs. at Delhi).	1. All Claims Officers linked to Lahore City and Cantt. and Rawalpindi and Sargodha districts in the Punjab (P).

2. Revisions from the orders of Claims Officers mentioned in Col. 4 will lie to the appropriate revising authority mentioned in Col. 3.

3. The revising authorities mentioned in Col. 2 shall deal with such revision petitions and work as may be allocated to them by the appropriate revising authority mentioned against their names in Col. 3 from time to time.

[No. 7(49)/CCC/AE-51.]

I. M. LALL,

Chief Claims Commissioner.

## MINISTRY OF TRANSPORT

### PORTS

*New Delhi, the 27th May 1952*

**S.R.O. 1007.**—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby directs that the following amendment shall be made in the Rules published in the notifications of the Government of India specified in the Schedule hereto annexed, the same having been previously published as required by sub-section (2) of the said section, namely:—

In the said Rules, for the words "Port Officer", wherever they occur, the words "Deputy Conservator of the Port" shall be substituted.

#### SCHEDULE

1. Notification of the Government of India in the late War Transport Department No. 11-P(4)/42, dated the 30th March 1943.

2. Notification of the Government of India in the Ministry of Transport No. 19-P(38)/47-I, dated the 22nd June 1949.

3. Notification of the Government of India in the Ministry of Transport No. 19-P(38)/47-II, dated the 22nd June 1949.

4. Notification of the Government of India in the late Department of Transport (India) No 11-P(63)/41, dated the 11th August, 1947.

[No. 6-PH(49)/51-I.]

**S.R.O. 1008.**—In pursuance of rule 29 of the Cochin Harbour Craft Rules, 1947, the Central Government hereby directs that the following amendment shall be made in the Regulations published with the notification of the Government of India in the Ministry of Transport, No. 19-P(13)/40, dated the 15th March 1950, namely:—

In the said Regulations for the words "Port Officer" wherever they occur, the words "Deputy Conservator of the Port" shall be substituted.

[No. 6-PH(49)/51-II.]

T. S. PARASURAMAN, Dy. Secy.

#### MERCHANT SHIPPING

*New Delhi, the 27th May 1952*

**S.R.O. 1009.**—In exercise of the powers conferred by sub-section (2) of section 4 of the Merchant Shipping Act, 1894 (57 and 58 Vict. c 60), the Central Government hereby directs that the following amendment shall be made in the Merchant Shipping (Registrars of British Ships in India) Order, 1931, published with the notification of the Government of India in the late Department of Commerce, No. 81-M.I(2)/31, dated the 12th September 1931, namely:

In the said Order, for clause (1) the following clause shall be substituted, namely:—

"(1) At any port of registry in India, the Principal Officer, Mercantile Marine Department, or where, except at Cochin, there is no such officer, the Port Officer, and at Cochin the Deputy Conservator of the Port, shall be the Registrar of British Ships".

[No. 105-M.A.(40)/51.]

**S.R.O. 1010.**—In exercise of the powers conferred by, or in pursuance of, the sections of the Indian Merchant Shipping Act, 1923 (XXI of 1923), specified in the first column of the Schedule hereto annexed, the Central Government hereby directs that the notifications of the Government of India in the late Department of Commerce specified in the second column of the said Schedule shall be amended to the extent and in the manner specified in the corresponding entry in the third column thereof.

Section of the Act	No. and date of Notification	Amendment
Sub-section (1) of section 7.	5 M. II(3)/31 dated the 24th October 1931.	In the Schedule annexed to each of the notifications for the entry relating to "Cochin" the following entry shall be substituted, namely :—  "Cochin .. The Deputy Conservator of the Port."
Sub-section (1) of section 71.	5 M. II(3)/31 dated the 24th October 1931.	
Sub-section (1) of section 72 and of section 81.	5 M. II(2)/31 dated the 22nd August 1931.	
Sub-section (2) of section 74.	5 M. II(2)/31 dated the 3rd October 1931.	
Sub-section (1) of section 116 and of section 119.	5 M. II(3)/31 dated the 24th October 1931.	
Section 170.	56 M. I(4)/30 dated the 1st November 1930.	
Sub-sections (1) and (2) of section 232.	99 M. I(2)/29 dated the 23rd August 1930.	

Section of the Act	No. and date of Notification	Amendment
Sub-section (1) of section 151.	56 M. I(8)/30 dated the 8th November 1930.	In the Schedule annexed to each of the notifications, the entry relating to "Cochin" under "Malabar District" shall be omitted; and the following entry shall be inserted after the entry relating to "Bombay", namely :—  "Cochin .. The Deputy Conservator of the Port."
Clause (f) of section 155.	56 M. I(9)/30 dated the 8th November 1930.	
Sub-section (2) of section 167.	56 M. I(3)/30 dated the 30th August 1930.	
Section 178.	56 M. I(10)/30 dated the 20th December 1930.	
Section 214.	108 M. I(2)/30 dated the 28th February 1931.	
Sub-section (3) of section 246.	70 M. I(30)/29 dated the 18th November 1933.	

[No. 72-MA(4)/51.]

S. K. GHOSH, Dy. Secy.

*New Delhi, the 30th May 1952*

**S.R.O. 1011.**—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Tripura the Bengal Highways Act, 1925 (Bengal Act III of 1952, hereinafter referred to as the Act), as at present in force in the State of West Bengal, subject to the following modifications, namely:—

*Modifications*

## 1. Throughout the Act,—

- (i) for the word 'Bengal' wherever it occurs except in the title and preamble, the word 'Tripura' shall be substituted;
- (ii) for the words 'State Government' wherever they occur, the words 'Chief Commissioner' shall be substituted; and
- (iii) for the words 'Calcutta Gazette' wherever they occur, the words 'Official Gazette' shall be substituted.

## 2. In Section 2 of the Act—

- (i) for the words 'vested in the Government or under the control and administration of the Public Works Department of the State Government' the words 'vested in, or under the control and administration of, the Government' shall be substituted;
- (ii) for the words 'the said Public Works Department', the words 'the Government' shall be substituted; and
- (iii) the proviso shall be omitted.

## 3. In clause (b) of sub-section (3) of section 4, the following shall be added at the end, namely:—

'and until such draft has been approved by the Central Government'.

**ANNEXURE**

1. *Short title, extent and commencement.*—(1) This Act may be called the Bengal Highways Act, 1925.

(2) It shall extend to the whole of Tripura.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, direct.

2. *Definition.*—In this Act, unless there is anything repugnant in the subject or context,—

“Government road” means a road vested in or under the control and administration of, the Government, and includes—

- (a) the slope, berm, borrow-pits and side drains of any such road;
- (b) all lands and embankments vested in, or under the control and administration of, the Government and attached to a Government road;
- (c) all bridges, culverts or causeways built on or across any Government road; and
- (d) all fences and posts on any Government road or on any land attached to a Government road, and all road-side trees on such land:

3 *Temporary closing of Government road.*—The Chief Commissioner or any officer empowered by the Chief Commissioner in this behalf may, by public notice, displayed in a conspicuous portion of the road, declare any Government road or part thereof to be closed temporarily for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert or bridge or for any other similar public purpose:

Provided that the Chief Commissioner or any officer empowered by the Chief Commissioner in this behalf shall, before declaring any such road or part thereof to be closed, be bound, where possible, to provide other reasonably sufficient means of access to holdings adjacent to such road or part, if no such means of access already exist:

Provided also that where there is a stretch of road over half a mile in length, the road or part thereof closed at any one time shall not exceed half a mile in length, and that, where possible in such closed parts, an alternative route shall be provided.

4. *Power to make rules.*—(1) The Chief Commissioner may make rules—

- (i) for the regulation and safety of traffic on Government roads;
- (ii) for the prevention of obstruction and encroachments and of nuisances on or near such roads;
- (iii) for the preservation of such roads;
- (iv) for the temporary closing of such roads for repairs or other works, or for the purposes specifically set forth in section 3.

(2) All rules made under this section shall be published in the Official Gazette and, on such publication shall have the same effect as if enacted in this Act.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication and to the following further conditions, namely:—

- (a) a draft of the rules shall be published by notification in the Official Gazette and in local newspapers, and
- (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication and until such draft has been approved by the Central Government.

5. *Penalties.*—In making any rule under this Act, the Chief Commissioner may direct that a breach thereof shall be punishable with a fine which may extend to ten rupees, and when the breach is a continuing one, with a further fine not exceeding one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

[No. PL-7(25)51.]

G. M. McKELVIE, Joint Secy.

## MINISTRY OF WORKS, PRODUCTION & SUPPLY

New Delhi, the 28th May 1952

**S.R.O 1012.**—In exercise of the powers conferred by sub-section (4) of Section 13 of the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952), the Central Government hereby authorizes every Inspecting Officer of the Coal Board to exercise the powers conferred on the Inspector by sub-sections (1), (2) and (3) of section 13 of the said Act.

[No. 25-CI(6)/52.]

P. M. NAYAK, Dy. Secy.

*New Delhi, the 28th May 1952*

**S.R.O. 1013.**—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published, as required by section 18 of the said Act.

In the said Rules—

1. In Schedule IV, against article No. 3A, for the existing entry in column 4, the following entry shall be substituted, namely:—

“The District Authority in the States of Madras, Travancore-Cochin and Mysore”.

2. In Form I-A of Schedule V for the words “For the Province of Madras only”, within brackets, at the top, the following words shall be substituted, namely:—

“For the States of Madras, Travancore-Cochin and Mysore”.

[No. M-103(1)/52.]

*New Delhi, the 29th May 1952*

**S.R.O. 1014.**—The following draft of a further amendment to the Explosives Rules, 1940, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published as required by section 18 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft, will be taken into consideration on or after the 30th June 1952.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

#### *Draft Amendment*

In the said Rules—

In clause (ii) of rule 35, for the figures “4,000”, the figures “6,000”, shall be substituted.

[No. M-103(4)/52.]

*New Delhi, the 2nd June 1952*

**S.R.O. 1015.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Inflammable Substances Act, 1952 (XX of 1952), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Works, Production and Supply No. M-102(43)/51, dated the 31st March, 1952, namely:—

In item 3 of the Schedule annexed to the said notification, for the words “and Chakghat”, the words “Chakghat and Tikamgarh” shall be substituted.

[No. M-102(43)/51.]

S. K. GUHA, Under secy.

*New Delhi, the 3rd June 1952*

**S.R.O. 1016.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Delhi and Ajmer Rent Control Act, 1952 (No. XXXVIII of 1952), the Central Government hereby appoints the 9th of June 1952, as the date on which the said Act shall come into force.

[No. 4289-WII/52.]

**S.R.O. 1017.**—In exercise of the powers conferred by section 23 of the Delhi and Ajmer Rent Control Act, 1952 (No. XXXVIII of 1952), the Central Government hereby appoints Shri Rameshwar Dayal, I.A.S., Deputy Commissioner, Delhi, as Controller for the purpose of performing the functions assigned to him by Chapter IV of the said Act.

[No. 4290-WII/52.]

B. B. PAYMASTER, Joint Secy.

*New Delhi, the 3rd June 1952*

**S.R.O. 1018.**—In exercise of the powers conferred by sub-section (2) of section 1 of the Rajghat Samadhi Act, 1951 (XLI of 1951), the Central Government hereby appoints the 7th June 1952 as the date on which the said Act shall come into force.

[No. 3532-WI/52.]

N B. CHATTERJI, Dy. Secy.



## MINISTRY OF COMMUNICATIONS

*New Delhi, the 28th May 1952*

**S.R.O. 1019.**—The following draft of certain further amendments to the Indian Aircraft Rules, 1937, which the Central Government propose to make in exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), is published as required by section 14 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st October 1952.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

*Draft Amendments*

In the said Rules,

1. For rule 7, the following rule shall be substituted, namely:—

“7. Documents to be carried in aircraft—

(1) No person in charge of an aircraft engaged in international navigation shall allow such aircraft to be flown unless the following documents issued or rendered valid by the State in which the aircraft is registered are carried on board the aircraft, namely:—

(i) the certificate of registration,

(ii) the certificate of airworthiness.

(iii) the journey log book,

(iv) the appropriate licences for each member of the crew,

(v) if equipped with radio apparatus, the permit or licence for such apparatus and also the telecommunication log book in case of carriage of radio telegraph apparatus is proscribed under these Rules,

(vi) a list showing the name, permanent address and nationality of each member of the crew,

(vii) in the case of a public transport aircraft, the certificate of safety which was last issued in respect of the aircraft,

(viii) in the case of a public transport aircraft, a load sheet relating to the aircraft,

(ix) if the aircraft carries passengers, a list showing their names, permanent addresses, nationality, place of origin, immediate and ultimate destination,

(x) if the aircraft carries goods, air consignment notes and manifest in respect thereof showing a description of the goods, the nature of the contract of carriage, the names and addresses of the consignor and the consignee and the immediate and ultimate destination of the goods,

(xi) a stores list showing the nature and quantity of all stores carried, and

(xii) working copies of the aircraft, engine and variable pitch propeller log books.

2. When not engaged in international navigation, no person in charge of an aircraft shall allow such aircraft to be flown unless the following documents are carried on board the aircraft, namely:—

(i) in case of a public transport aircraft, the documents specified in clauses (i) to (xii) of sub-rule (1);

(ii) in case of an aerial work aircraft, the documents specified in clauses (i) to (v) and clause (ix) of sub-rule (1), and

(iii) in case of private aircraft, the documents specified in clauses (i), (ii), (iv) and (v) of sub-rule (1):

Provided that an aircraft which does not leave the vicinity of its starting place and which returns without landing elsewhere to its starting place need not carry any documents except those specified in clause (iv) of sub-rule (1):

Provided further that where a licence or other document has been submitted to a competent authority under these rules for renewal or other action that fact shall be deemed a valid excuse for its not being carried on board the aircraft.”

2. In rule 17, for the words "any commissioned officer of His Majesty's naval, military or air forces, any non-commissioned officer of the Royal Air Force", the following words shall be substituted, namely:—

"any commissioned officer of the naval, military or air forces of the Union",

3. For rule 26, the following rule shall be substituted, namely:—

"26 (1) *Dropping of articles and descents by parachutes.*

No person shall drop or project or cause or permit to be dropped or projected from an aircraft in motion anything except ballast in the form of fine sand or water:

Provided that nothing in this rule shall be deemed to prevent—

- (a) in an emergency, the dropping of liquid fuel.
- (b) in an emergency, the dropping of cargo over areas where hazard to persons or property outside the aircraft is not created;
- (c) the dropping of message bags, smoke producing or other apparatus or material dropped for the purpose of navigating an aircraft or communicating messages from an aircraft, subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring persons property on the ground or water;
- (d) the dropping of separate sheets of paper containing printed matter in any place if the written permission of the District Magistrate, or the Commissioner of Police, is first obtained in each case.

(2) No person shall, except in an emergency, descend by means of a parachute from an aircraft and no person shall drop or cause or permit to be dropped from an aircraft in flight any article attached to a parachute unless the descent is made or the article is dropped in accordance with and subject to any conditions or limitations contained in a general or special order of the Central Government in that behalf."

4. For Part IV, the following part shall be substituted, namely:—

"Part IV—*Registration and marking of aircraft.*

30—*Certificate of Registration.*

- (1) The authority empowered to register aircraft and to grant certificates of registration in India shall be the Central Government.
- (2) An aircraft may be registered in India in either of the following categories, namely:—
  - (a) *Category A*—Where the aircraft is wholly owned either
    - (i) by citizens of India, or
    - (ii) by a company or corporation registered and having its principal place of business within India and whereof the Chairman and at least two-thirds of the directors are citizens of India.
  - (b) *Category B*—Where the aircraft is wholly owned either
    - (i) by persons resident in or carrying on business in India who are not citizens of India, or
    - (ii) by a company or corporation registered elsewhere than in India and carrying on business in India.
- (3) No aircraft in respect of which the conditions required in sub-rule (2) are not satisfied, or which is already validly registered in another country, shall be registered in India.
- (4) In a case where the usual station of an aircraft and its ordinary area of operation are not situated in India, the Central Government may decline to accept an application for registration of the aircraft in India, or, as the case may be, to permit the aircraft to remain registered in India, if, in its opinion, the aircraft could more suitably be registered in some other country.
- (5) In any particular case the Central Government may decline to register an aircraft in India if in the circumstances of the case it appears to it to be inexpedient in the public interest that the aircraft should be so registered.

- (6) The registration of an aircraft registered in India may be cancelled at any time by the Central Government if it is satisfied that the ownership of the aircraft is not as shown in the register or that such registration is not in conformity with the provisions of sub-rule (2) of this rule or that the aircraft could more suitably be registered in some other country or that it is inexpedient in the public interest that the aircraft should remain registered in India.

31—*Nature of Application.*

- (1) Every application for a certificate of registration shall be accompanied by—
- (a) such particulars relating to the aircraft and the ownership as may be required by the Central Government,
  - (b) the fee prescribed in rule 35,
  - (c) in the case of an aircraft imported by air, a certificate signed by the Chief Customs Officer or Customs Collector that the customs duty leviable in respect of it has been paid and stating the type and manufacturer's number of the aircraft and engine, and if the aircraft has been registered elsewhere, its registration markings.
- (2) An applicant for a certificate of registration may be required to produce proof of the truth of the statements contained in his application.

32—*Aircraft imported by air.*

When an application is made for the registration of an aircraft before its import into India for the purpose of the import of the aircraft by air, a temporary certificate of registration may, subject to the conditions of sub-rule (3) of Rule 30, be granted by the Central Government on the owner of the aircraft complying with clauses (a) and (b) of sub-rule (1) of rule 31. Such temporary certificate shall be valid only until the first landing of the aircraft at a customs aerodrome in India, when the certificate shall be delivered by the pilot or other person in charge to the local Aerodrome Officer. Thereafter, on production by or on behalf of the owner of the aircraft of the certificate mentioned in clause (c) of sub-rule (1) of rule 31, the certificate of registration may be granted by the Central Government:

Provided that, if an aircraft in respect of which a temporary certificate of registration has been issued is imported otherwise than by air, such temporary certificate shall cease to be valid on the date of import of the aircraft and the temporary certificate shall forthwith be delivered by the owner to the Director General, and thereafter the certificate of registration may be granted by the Central Government.

33—*Change in Ownership.*

In the event of any change in ownership of a registered aircraft, or if a registered aircraft ceases to be owned wholly either by persons or by a company or corporation fulfilling the conditions set out in rule 30,—

- (a) the person, company or corporation for the time being registered as owner of the aircraft, or if that person is dead or that company or corporation is dissolved, his personal representative or successor in title, as the case may be, shall forthwith notify to the Director General of such change of ownership or to the effect that the aircraft has ceased to be so owned; and
- (b) the registration and the certificate thereof shall lapse as from the date of such change of ownership, or the date on which the aircraft ceased to be so owned.

34—*Aircraft destroyed or withdrawn from use.*

When a registered aircraft has been destroyed or permanently withdrawn from use, the person, company or corporation for the time being registered as owner of the aircraft, or, if that person is dead or that company or corporation is dissolved, his personal representative or its successor in title, as the case may be, shall as soon as possible notify the Director General accordingly and the registration and the certificate thereof shall not lapse unless and until it is cancelled by the Central Government.

### 35—Registration Fees.

- (1) A fee of Rs. 50 shall be payable in respect of a certificate of registration.
- (2) Where the original certificate of registration is lost or destroyed, a duplicate thereof may be issued on payment of a fee of Rs. 10 by the owner or the person applying for it.

### 36—Register of Aircraft.

The Register of aircrafts registered in India shall be open to inspection by members of the public at such times and subject to such conditions as may be specified by the Director General.

### 37—Nationality and Registration Marks, how to be affixed.

The following provisions of this rule shall have effect with respect to the marks to be borne by aircraft registered in India:—

- (1) The nationality mark of the aircraft shall be the capital letters VT in Roman character and the registration mark shall be a group of three capital letters in Roman character assigned by the Director General. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.
- (2) The nationality and registration marks
  - (a) shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanency in a manner provided in Schedule X to these rules,
  - (b) shall be inscribed together with full name and address of the registered owner of the aircraft, on a stainless steel plate affixed in a prominent position to the fuselage or, in case of a balloon, to the car or basket, and near to the main entrance of the aircraft; and
  - (c) shall always be kept clean and visible.

### 37A.—Use of State Marks.

An aircraft other than a State aircraft shall not bear any mark or sign prescribed for use by a State aircraft."

### 5. In rule 38—

- (i) for the opening paragraph the following shall be substituted, namely:—

"38. *Personnel to be carried in flying machines.*—Subject to the provisions of rule 6, every flying machine registered in India shall comply with the following requirements in respect of the personnel which it carries and by which it is operated:—

- (1) *Operating Crew.*—On all flights an aircraft shall have no board for the purpose of acting as members of the operating crew, the number and description of persons specified as the minimum operating crew for that aircraft in its certificate of airworthiness."

- (ii) Sub-rules (1) to (8) shall be renumbered as sub-rules (2) to (9).

- (iii) After sub-rule (9) as so renumbered, the following new sub-rules shall be inserted, namely:—

#### "(10) *Flight Engineer—Cadet Class*—

A person desirous of acquiring training in the duties of a flight engineer, shall have a flight engineer's licence, cadet class. Such a licence will entitle the holder to obtain under the supervision of a person who is the holder of a flight engineer's licence, training in engineering duties during flight.

#### (11) *Flight Engineer*—

- (a) Where a flight engineer is required by the terms of the certificate of airworthiness to be carried in an aircraft and a separate place of duty is provided for such engineer in the aircraft, the engineer so carried shall be a separate person from any other member of the operating crew and shall not carry out any duties in the aircraft other than those of a flight engineer.
- (b) The holder of a flight engineer's licence shall be entitled to act as a flight engineer in any type of aircraft specified in the aircraft rating included in the licence."

## 6. In rule 41—

(i) the words "the R.A.F. or" wherever they occur shall be deleted;

(ii) for the words "a R.A.F. or" wherever they occur the word "an" shall be substituted;

(iii) proviso (b) to sub-rule (3) shall be deleted, and proviso, (c) and (d) to be renumbered as (b) and (c), respectively;

(iv) proviso to sub-rule (5) shall be deleted;

(v) after sub-rule (6) the following new sub-rules shall be inserted, namely:—

(7) (a) *Flight Engineer's Licence, Cadet Class:*

The applicant shall be required to produce satisfactory evidence that he requires such a licence for the purpose of enabling him to obtain, under the supervision of a person who is the holder of a flight engineer's licence, training in engineering duties during flight. A certificate furnished by an air transport undertaking certifying that the applicant has been accepted for training in engineering duties in aircraft operated by that undertaking will be regarded as satisfactory evidence. In any other case, evidence as to the means by which it is proposed to obtain such training shall be submitted by the applicant for the consideration of the Central Government.

(b) *Renewal of Licence:*

The applicant for the renewal of a licence shall be required to produce satisfactory evidence (similar to that specified in clause (a) above) that he requires such renewal for the purpose of enabling him to obtain further training in engineering duties during flight.

(c) *Medical Requirements:*

The medical examination shall be based on the same requirements and shall be under the same conditions as for flight engineers and are set out in Section G of Schedule II.

(8) *Flight Engineer's Licence:*

*Aeronautical engineering, flying experience and Medical Examination.*

As laid down in section G of Schedule II.

7. After item (f) of sub-rule (1) of rule 42, the following new items shall be added, namely:—

"(g) Flight Engineer's Licence, Cadet Class—Twelve months.

(h) Flight Engineer's Licence—Twelve months."

8. In rule 45, the words "in any part of His Majesty's Dominions outside India or" shall be deleted.

9. In rule 47, after item (d) the following new items shall be added, namely:—

"(e) An applicant for the grant of a flight engineer's licence, cadet class, must not be less than 20 years of age.

(f) An applicant for the grant of flight engineer's licence must not be less than 21 years of age."

10. In the table under rule 48, after the entry "Wireless Operator's Licence", the following entries shall be added, namely:—

"Flight Engineer's Licence, Cadet Class. ..	..	32	13	10
Flight Engineer's Licence. ..	35	32	16	10"

11. In rule 50, the words "in any other part of His Majesty's Dominions or" shall be deleted.

12. For Part IX the following Part shall be substituted, namely:—

### "PART IX—LOG BOOKS

67. *Log Books.*—(1) The following log books shall be kept in respect of aircraft registered in India:—

- (a) For every public transport aircraft and for every aircraft engaged in international navigation, a journey log book.
- (b) In addition, for every aircraft an aircraft log book.
- (c) In addition, for every aircraft fitted with an engine, an engine log book, and if fitted with more than one engine, a separate log book for each engine.
- (d) In addition, for every aircraft fitted with a variable pitch propeller, a variable pitch propeller log book and if fitted with more than one such propeller, a separate log book for each propeller.
- (e) In addition, for every aircraft for which carriage of radio telegraph apparatus is prescribed by these Rules, a tele-communication log book.

(2) The log books shall be in such a form as may be prescribed or as may be approved by the Central Government and in the case of the journey log book, shall be a book issued by the Central Government.

(3) All entries other than the data ordinarily furnished by the Constructor in the original aircraft, engine and variable pitch propeller log books shall be made and signed by a licensed aircraft maintenance engineer, except that as regards matters which could not have come to the notice of the licensed aircraft maintenance engineer the entries shall be made by the pilot.

Further, when repairs to an aircraft, engine or variable pitch propeller have been required in consequence either of damage caused by a forced landing or of defects which have occasioned a forced landing or an accident the entries of such repairs in the aircraft, engine or variable pitch propeller log book shall state that they have been so required and shall identify the forced landing or accident in question by referring to the entry thereof contained in the journey log book.

(4) Entries in the aircraft, engine and variable pitch propeller log books shall be made at the latest within 24 hours after the work referred to in the entry has been carried out.

(5) Entries in the journey log book and the tele-communication log book shall be made in accordance with the directions of the Director General.

(6) (a) Every entry and signature in any log book shall be made in ink or indelible pencil and in a manner and form approved by the Director General.

(b) No person shall destroy, mutilate, alter or render illegible any log book or any entry made therein or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book.

(7) All the log books shall be preserved for a period of two years from the date of the last entry.

(8) If in respect of any aircraft default is made in complying with any of the provisions of the above sub-rules, the aircraft may be considered by the Director General not to be in an airworthy condition as required by clause (i) of rule 15.

67A. Every member of the operating crew of an aircraft registered in India and every person flying in accordance with the provisions of the Indian Aircraft Rules for the purpose of becoming qualified for the grant of renewal of a licence by the Central Government shall keep a personal flying log book."

13. In rule 81. for the words "His Majesty" the words "Central Government" shall be substituted.

14. In rule 83—

(i) for clause (a) the following clause shall be substituted, namely:—

"(a) a citizen of India, or"

(ii) in clause (b), for the words "His Majesty's Dominions," the words "India" shall be substituted.

15. In the Schedules annexed to the said Rules—

(i) In Schedule I:—

- (a) items (2) and (3) shall be omitted,
- (b) figure (1) shall be omitted, and
- (c) the Note at the bottom of the Schedule shall be omitted.

(ii) In Schedule II, the existing section G shall be relettered as Section H and after Section F, the following new Section shall be inserted, [as Section G, after relettering the present Section G as Section H] namely:—

*"Section G, Flight Engineer's Licence.*

"(1) Aeronautical engineering and flying experience:

- (a) The applicant shall produce satisfactory evidence that he has had at least three years' aeronautical engineering experience. This should include at least two years' practical experience on the maintenance of aircraft, including engines, one year of which must have been on the class of aircraft for which a licence is desired.
- (b) He shall also produce satisfactory evidence that he has had at least 50 hours' experience in flight engineering duties on board the type of aircraft to which the application relates, or one of similar characteristics, during the twelve months immediately preceding the date of application.

"(2) Practical demonstration:

He shall demonstrate in flight to the satisfaction of the Government Examiner his skill in performing flight engineers' duties and practical knowledge of emergency procedures and his ability to take appropriate action in the event of any engine failure occurring, particularly during landings and take offs.

"(3) Technical examination:

The applicant will be required to undergo a written and oral examination as to his knowledge of the subjects specified below. The examination will have reference to the type of aircraft to which the application relates.

(i) International air legislation;

- (ii) The regulations and the requirements laid down in the Indian Aircraft Act, 1934, and the rules made thereunder, in so far as they affect the responsibilities of a flight engineer;
- (iii) The theory of flight and aerodynamics;
- (iv) Various terms and definitions used in the operation of aircraft;
- (v) General knowledge of the maintenance and functioning of airframes, power plants and related appliances;
- (vi) General knowledge of aircraft operation and maintenance and a detailed knowledge of the manuals relating to the type of aircraft to which the application relates or one of similar characteristics;
- (vii) Method of effecting in flight minor repairs, adjustments and replacements;
- (viii) Aircraft performance with respect to speed limitations and the procedure to be followed in case of emergency, particularly in the event of fire in the air or power plant failure;
- (ix) Flight planning based on loading and performance charts, fuel consumption and engine power curves. Control of power output and the mathematical computations involved;
- (x) General knowledge of varying meteorological conditions and their effect on power plant operations;
- (xi) Aircraft loading and centre of gravity computations;
- (xii) Types of fuel and oil fuelling procedure;
- (xiii) The preparation of reports, illustrated by sketches if necessary, describing the replacement or repair required in case of damage.

“(4) Medical examination:

The medical examination shall be conducted by medical officers specially approved for the purpose by the Central Government and shall be based on the following requirements.

*Physical Requirements*

The candidate must be free from any congenital or acquired disability causing such degree of functional incapacity as is considered by the medical examiner likely to interfere with the efficient performance of the duties carried out when exercising the privileges of the licence.

The examination must include a full medical inquiry into the family and personal history of the candidate. The information obtained must be given in a statement made and signed by the candidate and must be taken into consideration by the medical examiner.

*Examination of the nervous system*

The candidate must have no history of significant mental or nervous trouble. He must be free from any disability of the nervous system considered by the medical examiner to be of such degree as likely to interfere with efficient function during prolonged flight. Cases in which syphilis, past or present, has affected the central nervous system will be assessed as permanently unfit.

*Injuries of the head*

(a) Cases of simple concussion, or simple fracture of the skull without associated intracranial injury will be assessed as temporarily unfit for a period of not less than two months from the date of the concussion or fracture. When the licence is renewed, it will be renewed only for a period of two months in the first instance. Thereafter its validity will be restricted to consecutive periods of two months until the medical examiner reports that he has good reason to presume that the after-effects of the concussion or fracture are no longer likely to cause a sudden incapacity in flight;

(b) Cases of head injury associated with intracranial injuries will be assessed as permanently unfit if a local lesion of the brain persists;

(c) Cases of head injury in which there has been an operation on the skull with loss of bony substance involving the two tables of the cranial vault will be assessed as permanently unfit;

(d) Cases of head injury associated with a lesion of the dura mater will be assessed as permanently unfit even if a bone graft has been done.

*General surgical examination.*

The candidate must neither suffer from any wound or injury, nor have undergone any operation, nor possess any abnormality, congenital or acquired, which is considered by the medical examiner likely to interfere with the efficient performance of the duties carried out when exercising the privileges of the licence.

Cases in which there is any important anatomical or functional lesion in the walls of any part of the digestive tract, any stricture, any calculus or foreign body, any important peritoneal lesion, established by clinical or laboratory examinations, will be assessed as unfit. A candidate who has undergone a major surgical operation on the biliary passages or the digestive tract, except for appendicitis, which has involved a total or partial excision or a diversion of any of these organs will be assessed as unfit unless a period of one year has elapsed since the surgical operation and the effects of the operation are not considered liable to cause sudden incapacity in the air, provided that this period of one year may be shortened on the production of an attestation made by the surgeon who performed the operation or, if this is impracticable, an attestation made by a surgeon having knowledge of the nature of the disease which necessitated the operation certifying that no after-effects are to be feared.

*General medical examination*

The candidate must not suffer from any disease or disability which renders him liable suddenly to become incompetent in the performance of the duties carried out when exercising the privileges of the licence.

He must have no significant cardiovascular abnormality.

The systolic and diastolic blood pressures must be within normal limits.



There must be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura. In case of doubt about the activity of a lesion, the procedure detailed below must be followed:—

Radiography must form a part of the medical examination. Cases of active pulmonary tuberculosis, however diagnosed, will be assessed as unfit. Cases of quiescent or healed lesions which are known to be tuberculous, or are presumably tuberculous, in origin may be assessed as fit. Cases of doubt about the activity of a lesion, where symptoms of activity of the disease are lacking, clinically, will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period a further radiographic record will be made and compared carefully with the original. If there is no sign of extension of the disease and there are no general symptoms nor symptoms referable to the chest, the candidate may be assessed fit, but where the licence is renewed in these circumstances it will be valid only for a period of three months in the first instance. Thereafter, provided there continues to be no sign of extension of the disease as shown by radiographic examinations carried out at the end of each three months' period, the validity of the licences will be restricted to consecutive periods of three months. When the candidate has been under observation under this scheme for a total period of at least two years and comparison of all the radiographic records shows no changes or only retrogression of the lesion, the lesion will be regarded as "quiescent" or "healed".

Cases of disease of, or of important impairment of, the functioning of the liver, biliary passages or pancreas will be assessed as unfit. Cases of diabetes will also be assessed as unfit.

The candidate must be free from disease of the urogenital tract.

A candidate for the first issue of a licence who has a personal history of syphilis will be required to furnish evidence, satisfactory to the medical examiner, that he has undergone adequate treatment; this evidence must include the result of an examination of the blood and of the cerebrospinal fluid. A candidate showing any clinical signs of active syphilis will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period, provided the candidate furnishes proof, satisfactory to the medical examiner, that he has undergone adequate treatment in the interim and that the serological reaction for syphilis is negative, he may be assessed as fit but where a licence is issued or renewed in these circumstances it will be valid only for a period of three months in the first instance. Thereafter, provided serological reactions for syphilis continue to be negative at the end of each three months' period, the validity of the licence will be restricted to consecutive periods of three months. When the candidate has been under observation under this scheme for a total period of at least three years and the serological reactions have continued to be negative, the restriction on the period of validity of the licence may be removed. In cases where the serological reaction for syphilis remains persistently positive examinations of the cerebrospinal fluid at the end of each period of six months with negative results may be accepted in lieu of negative serological reactions at the end of each period of three months. Any evidence of syphilis of the central nervous system should be confirmed by the result of an examination of the cerebrospinal fluid.

Candidates of the female sex who have a history of severe menstrual disturbances that have proved unamenable to treatment and that are considered by the medical examiner likely to interfere with the safe handling of aircraft will be assessed as unfit. Candidates of the female sex who have undergone gynaecological and other surgical operations must be considered individually. In the event of presumed pregnancy the candidate must be assessed as temporarily unfit, until, at least, after pregnancy has been terminated. After confinement or miscarriage the candidate will not be permitted to exercise the privileges of her licence until she has undergone re-examination and has been assessed as fit.

#### *Eye-Examination*

There must be no active pathological condition, acute or chronic, of either eye or adnexae which is considered likely by the medical examiner to interfere with its proper function.

#### *Ear-Examination*

There must be:

- (a) No active pathological process, acute or chronic, of the internal ear or middle ear cleft;
- (b) No unhealed (unclosed) perforation of the tympanic membranes provided that, in the case of re-examinations for the renewal of licences,

a single dry perforation of non-infectious origin, will not render the candidate ineligible for licence renewal. Licences will not be renewed in these circumstances unless the hearing requirements specified below are complied with;

- (c) No obstruction of the Eustachian tubes;
- (d) No disturbances of the vestibular apparatus

#### *Nose, throat and mouth examination*

There must be free nasal air entry on both sides. There must be no serious malformation nor serious, acute or chronic affection of the buccal cavity or upper respiratory tract.

#### *Visual Requirements.*

The candidate must have—

(a) A visual acuity of at least 20/40 (6/12, .5) in each eye separately, with correction provided that:—

- (i) in the case of a candidate for the first issue of a licence, if the vision in either or both eyes is less than 20/40 (6/12, .5) but not less than 20/80 (6/24, .25) and can be brought up to 20/20 (6/6, 1.0) or better in each eye by glasses, the candidate may be assessed as fit upon condition that correcting glasses be worn while exercising the privileges of the licence; and
- (ii) In case of a candidate for the renewal of a licence, if the vision in either or both eyes is less than 20/40 (6/12, .5) but not less than 20/200 (6/60, .1) and can be brought up to 20/30 (6/9, .7) or better in each eye by glasses the candidate may be assessed as fit upon condition that correcting glasses be worn while exercising the privileges of the licence and that a second set of correcting glasses be carried on his person;

(b) Normal fields of vision.

NOTE.—Where errors of refraction exist, due allowance may be made for those areas not covered by the correcting lenses.

#### *Colour Perception Requirements.*

The candidate will be required to demonstrate his ability to identify readily coloured lights of signal red, signal green and white.

NOTE.—The terms "signal red" and "signal green" mean respectively the colour red (or green) as used in light signals.

#### *Hearing Requirements.*

The candidate must not have a loss in either ear of more than 40 decibels at any one of the three frequencies, 500; 1,000 and 2,000 cycles per second.

#### **"(5) Renewal of Flight Engineer's Licence:**

- (a) The applicant for renewal of a Flight Engineer's licence shall be required to produce satisfactory evidence that he has had at least 20 hours' experience in flight engineering duties on the type of aircraft endorsed on his licence, or one of similar characteristics, during the twelve months immediately preceding the date of expiry of his licence.
- (b) The medical examination in case of an applicant for renewal of a Flight Engineer's licence shall be the same as far the initial grant of such a licence, and shall ordinarily take place not earlier than 15 days before the date of expiry of the validity of the licence;

Provided that when the medical examination in connection with the renewal of such a licence has taken place more than 15 days before the date of expiry of the validity of the licence, the licence shall be renewed from the date of such medical examination."

(iii) In paragraph 5 of Section E in Schedule III, for the word "Royal" wherever it occurs, the word "Indian" shall be substituted.

#### **(iv) In Schedule VI—**

(1) In entry 15:—

- (a) In the first column, the words "or photography of" shall be omitted;
- (b) In the second column the comma and figure 13 shall be omitted.

(2) After item 15 the following new item shall be inserted, namely:—

- "15A. Contravention of the rules relating to photography at Government aerodromes and from aircraft, carriage in aircraft of cameras or other apparatus for recording photographic impressions, or tampering with the seal placed on such camera or apparatus or a bag containing such cameras or apparatus by a customs officer or aerodrome officer or any other person specially authorised by the Central Government ... 13, 13A

16. After Schedule IX to the Rules the following new Schedule shall be added, namely:—

"SCHEDULE X

(See Rule 37)

*Provisions as to the manner in which the nationality and registration marks are to be painted on or affixed to aircraft registered in India.*

1. Subject to the provisions of paragraph 3 of this Schedule, the nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence, in the following manner—

(a) Heavier-than-air Aircraft—

(i) *Wings*.—The marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure. They shall be located on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and the lower surface of the wing structure. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) *Fuselage (or equivalent structure)*.—The marks shall also appear either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces.

(b) Lighter-than-air Aircraft—

(i) *Airships*.—The marks shall appear on each side of the airship and also on the upper surface on the line of symmetry. They shall be located lengthwise near the maximum cross-section of the airship.

(ii) *Spherical Balloons*.—The marks shall appear in two places diametrically opposite. They shall be located near the maximum horizontal circumference of the balloon.

(iii) *Non-Spherical Balloons*.—The marks shall appear on each side. They shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) In the case of all airships and balloons the side marks shall be so placed as to be visible both from the sides and from the ground.

2. Subject to the provisions or paragraphs 3 and 4 of this Schedule, the following provisions concerning the letters constituting the marks shall be complied with—

(a) Heavier-than-air Aircraft—

(i) *Wings*.—The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 20 inches.

(ii) *Fuselage (or equivalent structure)*.—The marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 20 inches.

(b) Lighter-than-air Aircraft—

The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 20 inches.

3. In cases where the constructional features of the aircraft do not admit of compliance with any of the provisions of paragraphs 1 and 2 of this Schedule, the

nationality and registration marks shall be affixed to the aircraft in such manner, and the letters constituting the marks shall be of such height, as may be approved by the Director General.

4. (a) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter.

(b) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting throughout with the background on which they appear. The thickness of these lines shall be one-sixth of the height of a letter.

(c) As nearly as the constructional features of the aircraft permit, each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.

5. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft."

[No. 10-A/14-50.]

P. K. ROY, Dy. Secy.

### MINISTRY OF LABOUR

New Delhi, the 28th May 1952

**S.R.O. 1020.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following awards of the All-India Industrial Tribunal (Bank Disputes) in the matter of Victimisation etc. of workmen in banking companies.

**BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW**

Sri Kewal Ram.

*Versus*

The Imperial Bank of India.

Sri Kewal Ram—Not present.

Sri R. C. Sircar, Staff Officer of the Imperial Bank of India, Calcutta—For the Bank.

### AWARD

This dispute between the above workman and the Bank was referred to this Tribunal for adjudication by the Government of India, Ministry of Labour Notification No. S. R. O. 42, dated 8th January 1952, published in the Gazette of India. This particular dispute appears as serial number 156 in the schedule.

"Non-confirmation in the Bank".

2. The grievance of the workman who is a godown durwan is that though he has been working for 23 years without any kind of complaint he is not confirmed in the Bank. The reply filed by the Bank states that this is neither an industrial nor an individual dispute. Besides it is a belated complaint. On the merits the Bank states that godown durwans are always engaged on a temporary basis and they are not confirmed as permanent staff as the requirement for their services depends entirely on the continuance of the cash credit or loan or overdraft facility granted by the Bank to its customers against which the goods are stored and pledged to the Bank by way of security. The employee in this particular case is attached to a godown belonging to a mill and his services will have to be terminated if the account of the mill is closed. The Bank also states that despite the temporary nature of their job godown durwans are entitled to the same privileges and benefits as permanent non-pensionable members of the subordinate staff.

3. This case was taken up for hearing at Lucknow on 7th April 1952. The workman was not present; nor was he represented by any Union or by any legal practitioner. The Bank's representative was present. Sri H. C. Sircar, staff Officer of the Imperial Bank of India, Calcutta represented the Bank. He stated that the workman Sri Kewal Ram is a godown watchman. He is in charge of a godown where the Seksaria Sugar Mills Ltd. have stored goods on the security of

which an account is running in the Bank. This is in the United Provinces. As all godown watchmen are only on a temporary basis, it is the practice of the Bank to keep them as members of temporary staff because if the accounts are closed their services will no longer be required. Sri Kewal Ram has all along been treated as a member of the temporary staff. In this particular case, the account has been continuing for a long number of years and it is stated that the account still continues. The Bank's representative filed two circulars to show that the durwans are also eligible for gratuity and for the usual annual increments. The Bank's statement, as pointed out already, is to the effect that such durwans are entitled to the same privileges and benefits as permanent non-pensionable members of the subordinate staff. The only point of difference is that technically there has been no confirmation and if the account should close and his services are no longer required the Bank will have the right to terminate his services. We are not able to see anything unjust in this arrangement. Our award therefore is that this complaint should be dismissed. It is hoped however that this employee with a long period of service to his credit will be provided with some suitable job if it should become necessary to terminate his services in case the accounts of the particular constituent are closed. Beyond this recommendation it is not necessary to give any further directions

Sd/-

S. PANCHAPAGESA SASTRY, *Chairman.*

Sd/-

M. L. TANNAN, *Member.*

Sd/-

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated 5th May, 1952.

#### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW

Shri J. K. Kacker.

*Versus*

The Allahabad Bank Limited.

Shri J. K. Kacker.—In person.

Shri R. Singh, Agent, Allahabad Bank Ltd., Lucknow.—For the Bank.

#### AWARD

This dispute between Shri J. K. Kacker and the Allahabad Bank Limited, Calcutta has been referred for adjudication under Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January 1952. It appears there as serial No. 306. The nature of the dispute as set out is as follows:—

#### "Payment of pension and Provident fund"

In response to a circular notice issued by this Tribunal Shri Kacker filed his statement wherein he has referred to a number of disputes with the Allahabad Bank which he wants now to be decided by the Tribunal. The Bank has filed a reply. The case was heard at Lucknow on 5th April 1952 as per notice issued to the parties.

2. At the outset Shri Kacker who appeared in person handed over to the Tribunal a copy of a representation made by him to the Government of India, Ministry of Labour, New Delhi, wherefrom it appears that he has requested the Central Government to refer various other disputes between him and the Allahabad Bank Limited to this Tribunal for adjudication. In view of Section 10, Clause (4) of the Industrial Disputes Act, 1947 (Act XIV of 1947) the present enquiry can only be with reference to the question of payment of interest on his provident fund amount for the period between 29th August 1949 and 3rd January 1951. As there has been no other reference by the Government regarding other disputes, this Tribunal can only deal with the dispute relating to payment of pension and provident fund. Shri Kacker admitted that the only point in his statement which related to this item is "the non-payment of interest on his provident fund amount for the period between 29th August 1949 when it became due and payable to 3rd January 1951 when the payment was made".

3. His case is that though he had intimated to the Bank that he wanted his monies to be paid to him through the Aminabad branch of the Bank at Lucknow, the Bank did not pay the amount in time. From the facts admitted by him during his opening of the case it became clear that he was disputing the propriety of his forced retirement from the Bank's service. It was also admitted by him that he was originally permitted to reside temporarily in a portion of the Bank's premises at Lucknow as he could not secure other accommodation but even after his retirement, though asked to vacate the premises, he has not done so and he still continues to live there. It appears that the Bank has been compelled to institute legal proceedings to eject him. Shri Kacker admitted before us that though he had been living in the Bank's premises at Lucknow he never found time to ask the Manager of the Bank to pay him the provident fund amount. This is a surprising statement. He was living on the bank premises and yet he wants us to believe that he did not find time to ask the Manager for payment of his provident fund. We are of opinion that the truth of the matter is that he never intended to receive payment because he was then disputing the order compelling him to retire. This is not, case where the Bank want only withheld payment but it is a case where the employee was not willing to receive the payment. In these circumstances, the claim of Shri Kacker is frivolous and lacking in *bona fides*. The Bank has produced the correspondence between the Head Office and the Lucknow branch wherefrom it appears that on an enquiry being made by the Lucknow branch agent Shri Kacker stated that "as he had referred the case of his retirement to the U.P. Bank Employees' Union, the question of disbursement of dues should be held in abeyance pending decision". We believe this is really what happened.

4. Our award therefore is that Shri Kacker is not entitled to interest on the amount of his provident fund as claimed by him. As stated already, this is the only point argued by him. The other matters raised in his statement were not pressed before us in view of Section 10, Clause (4) of the Industrial Disputes Act, 1947.

5. In the circumstances of this case, we direct that Shri Kacker should pay the Bank rupees twenty-five as and by way of costs of this proceeding.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated the 5th May, 1952.

#### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.

Shri R. N. Guha,

*Versus*

Hindustan Commercial Bank Ltd.

Shri A. C. Kaker, General Secretary, U.P. Bank Employees Union, Kanpur.—  
For Shri Guha.

Shri K. N. Bhatnagar, Establishment Superintendent, Hindustan Commercial Bank Ltd., Head Office, Kanpur.—For the Bank.

#### AWARD

The dispute between the above workman and the Bank was referred to this Tribunal for adjudication by the Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January, 1952, published in the Gazette of India. This particular dispute appears as serial number 345 in Schedule II. The nature of the dispute as set out therein is as follows:—

"Payment of increment prevalent in the Bank according to the old grade".

2. In response to a circular notice issued by this Tribunal to the various workmen whose disputes were referred for adjudication under Government of India Notification No. S.R.O. 42, dated 8th January 1952, Shri R. N. Guha submitted his

case against the Bank and the Bank filed its reply thereto. The hearing of this dispute was taken up at Lucknow on 4th April 1952, as per notice issued to the parties.

3. The case of the workman is that he was appointed on 12th August 1944 as a clerk in the Bank and on 1st June 1947 his salary was Rs. 60/-. His grade was Rs. 60—6—90. In United Provinces, as it then was, there was an award of an Industrial Tribunal commonly known as B. B. Singh Award under which the scale of salary was to be Rs. 60—4—100 E.B. 5—150. This award was operative from 1st January 1947. The Government of the U.P. by its order 31st May 1947 directed as follows:—

(i) The scales of pay prescribed by the adjudicator under Issue No. 2 of the award being the minimum permissible, if any employee has been in respect of a higher "salary or salary in a better grade (i.e. with a higher starting point, a higher rate of increment or a higher maximum) and/or allowances prior to the enforcement of the said award, then he shall continue to draw the higher salary or get the benefit of the better grade and of the allowance or allowances aforesaid.

(ii) All arrears due under the orders aforesaid enforcing the award shall be paid to the employees in full before June 30, 1947."

This order was passed by the U.P. Government in exercise of the powers conferred by clause (b) of section 3 of the U.P. Industrial Disputes Ordinance, 1947.

Later on there was a Conciliation Board appointed by the Government in order to clarify the various points in the award of Shri B. B. Singh and also to revise, if need be, some provisions thereof. The Conciliation Board presided over by the Hon'ble Justice Mr. Bind Basni Prasad, a Judge of the Allahabad High Court, made an interim award which *inter alia* upheld the validity of the Government order aforesaid of 31st May 1947. Paragraph 10 of the said award deals with that question. This award of the Conciliation Board became enforceable by the order of the Government dated 18th April 1949.

4. The grievance of the workman in this case is that though the employees were given option to choose between the service conditions of the award and the conditions which were in force prior to the commencement of the award the Bank did not give him the benefit of the increments under the old grade which from the point of view of increments was more beneficial to him than the one sanctioned by Shri B. B. Singh's award. According to him, he was on leave from 1st May 1948, down to August 1949, on account of an attack of tuberculosis and the Bank at no time asked him whether he elected to have the benefit of Shri B. B. Singh's award or preferred to have the Bank's scale as it was prior to the award. It was only on resuming duty, he came to know of the provisions of the award of the Conciliation Board and he promptly represented his case to the management claiming the benefit of the old scale of increment in preference to the B. B. Singh's award. The Bank declined to grant his request and so it is that he claims in this dispute the arrears due to him being the difference between the annual increment of Rs. 6/- under the B. B. Singh's award and the annual increment of Rs. 4/- which the Bank had been giving him.

5. The reply statement of the Bank shows that the employees should have exercised their option within the two month's period given by the award, i.e. by 18th June, 1949, and only those who exercised their option by that date are entitled to the benefit of the pre-award scale and those who had not so exercised their option were treated by the Bank as persons whose scale of salary should be fixed by Shri B. B. Singh's award. In the present case Shri R. N. Guha applied only on 14th November 1949 claiming the benefit of the old scale and therefore his application was rejected. According to the Bank several applications were submitted after 18th June 1949 and as per instructions of the Labour Commissioner, U.P. all such cases were rejected.

6. It should be noted that the annual increment under the Bank's scale prior to the award was Rs. 60—6—90 and after that, Rs. 90—7—130 and after that, Rs. 130—10—225, etc. whereas the scale as fixed by B. B. Singh's award was Rs. 60—4—100 E.B. 5—150. Shri Guha's contention is that as he was already getting Rs. 60/-. the minimum salary fixed by Shri B. B. Singh's award it must have been obvious to the Bank that in his case the Bank's scale of increment of Rs. 6/- in the grade of Rs. 60—6—90 was more advantageous than the scale of Rs. 60—4—100 fixed by Shri B. B. Singh's award and therefore there was no need

for him to intimate to the Bank his exercise of the option. This, however, ignores one vital point. The Bank's scale provided for an efficiency bar after the employee reached the maximum of Rs. 90/-. The next scale was Rs. 90—7—130. Shri B. B. Singh's award provided for Rs. 60—4—100 and then an efficiency bar. As stated by the Conciliation Board, the workmen are not entitled to split up an individual term of employment and claim that part of it which is advantageous to them and reject that which is disadvantageous. Whereas an annual increment of Rs. 6/- as per Bank's scale is certainly more advantageous than an annual increment of Rs. 4/- granted by Shri B. B. Singh's award, the Bank's scale provides for an efficiency bar at Rs. 90/- while the award provides for an efficiency bar only after the maximum of Rs. 100/- is reached. Mr. Kaker contended that the Bank's scale did not provide for an efficiency bar after Rs. 90/- and it was one continuous scale without any efficiency bar at all upto a maximum of Rs. 900/-. We are not able to agree with this contention. Even the copy of the circular sent to the Branch offices and produced before us shows that on a true construction thereof there was an efficiency bar at various stages. The absence of the word E.B. or efficiency bar is not conclusive on this point. The circular taken as a whole leaves no reasonable doubt on this point. It is therefore necessary for the workman in each case to decide and intimate to the Bank whether he wants the scale of Rs. 60—6—90 with an efficiency bar thereafter or whether he would prefer the scale of Rs. 60—4—100 and efficiency bar after Rs. 100/-. This is a matter which only the workman should decide for himself. The Bank cannot decide for him. It was therefore necessary for the workman concerned to exercise his option and intimate to the Bank the result thereof. Merely because the amount of annual increment by itself is greater it does not follow that the Bank's scale taken as a whole is more advantageous than the scale fixed by Shri B. B. Singh's award. Under these circumstances we are of opinion that unless the workman intimated to the Bank his choice in time, the Bank was entitled to treat the workman as coming under Shri B. B. Singh's award in this matter. Two months' notice was given by an order of Government after which the award of the Conciliation Board would become enforceable. In the present case, Shri Guha did not apply within the two months' period aforesaid. It is true he was on leave then and he resumed his duties only some time in August 1949. Even then he did not immediately make his choice and apply to the Bank. It was only 2½ months later, on 14th November 1949 that he chose to ask for the old scale of increment. The Bank was right in rejecting applications not made before 18th June 1949. In any case there is no reason to excuse the long delay in the application even after he resumed his duties in August 1949. We are of opinion that the present claim of Shri Guha is unsustainable. Our award accordingly is that the same should be dismissed. In the circumstances, however, we do not think this is a case for making any order as to cost.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated 5th May, 1952.

#### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW

Shri Chandra Sekhar Agnihotri.

Versus

The Hindustan Commercial Bank Ltd.

Shri A. C. Kakar, General Secretary, U.P. Bank Employees' Union, Kanpur—For Shri Agnihotri.

Shri K. N. Bhatnagar, Establishment Superintendent, Hindustan Commercial Bank Ltd., Head Office, Kanpur—For the Bank.

#### AWARD

This dispute appears as serial No. 346 in the Schedule to the Government of India, Ministry of Labour Notification S.R.O. No. 42 dated 8th January 1952.



This case was heard at Lucknow on 4th April 1952 along with the case of Shri R. N. Guha.

This case is similar to that of Shri R. N. Guha. The facts of the present case are practically the same except that Shri Agnihotri resumed his duties on 25th June 1949 and made his application to the Bank for the old scale of increment, on 3rd August 1949. In this case also it will be noted that the 2 months' period within which the option should be intimated to the Bank had expired by 18th June 1949. For reasons which are set out in full in the award in the case of Shri R. N. Guha we are of opinion that Shri Agnihotri's case also should be dismissed. Our award accordingly is that he is not entitled to any arrears of increment as claimed by him.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated 5th May, 1952.

### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.

(CASE No. 17 IN THE SCHEDULE TO THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR NOTIFICATION No. S.R.O. 42, DATED 8TH JANUARY, 1952).

Shri Ram Kripal Sukul.

*Versus*

The United Commercial Bank Ltd.

Shri Ram Kripal Sukul—In person.

Shri R. V. Govindan, Law Officer of the United Commercial Bank Ltd.—For the Bank.

### AWARD

This dispute between Shri Ram Kripal Sukul and the United Commercial Bank Ltd., has been referred to this Tribunal for adjudication by the Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January 1952. It appears there in the schedule as serial No. 17. The nature of the dispute is set down as "Discharge from Service". After due notice to the parties this case was heard at Lucknow on 7th April 1952. Shri Ram Kripal Sukul was present in person and examined himself. Shri R. V. Govindan, a Law Officer of the United Commercial Bank Ltd. represented the Bank.

2. In 1949 Shri Ram Kripal Sukul who was a durwan was retrenched along with a number of other durwans. As a durwan in the Bank he had put in 3 years' service. His case is that his services were terminated suddenly in February 1949 though he had put in 3 years' service and he does not know the reasons why he was sent out. According to him, he was giving satisfaction to his authorities by his diligent work, he states that there are durwans juniors to him who are still in service.

3. Bank's reply statement states it discharged Shri Sukul on 28th February 1949 along with several others on account of reduction in establishment. The letter of discharge given to Shri Sukul gives the reason. He was not dismissed. His ignorance of the ground for discharged is merely feigned. The Bank paid him a month's salary in lieu of notice. He accepted the retrenchment order and the notice of discharge and the payment made to him, without any protest. There was no victimization in the matter. The statement sets out that early in the year 1949 the Bank reviewed the strength of its staff at its various offices in relation to its requirements and found that there was excess staff in many branches. Therefore it took a decision to retrench the surplus staff. On 1st February 1949 the General Manager sent a circular to branches not to make further recruitments. The Bank consulted the various officers as to what reduction should be made. The Bank finally laid down a programme of retrenchment and the policy to be pursued as to how the retrenchment should be effected. In implementing this policy Shri Ram Kripal Sukul and a number of others were

retrenched on payment of the salary due together with a month's extra salary in lieu of notice in each case. A legal contention is also raised to the effect that there is no industrial dispute involved and the reference itself is illegal.

4. Shri Govindan who appeared for the Bank raised a preliminary question of law. He was however, asked to go into the merits of the case. He filed the relevant correspondence. From that correspondence it appears that on 1st February 1949 the General Manager had sent a circular to all branches that "the Head Office feels that sufficient staff is already in the employment of the Bank and no further recruitment should be made in any cadre without prior reference to and sanction of the Head Office". On 18th February 1949 the Bank gave directions regarding the reduction of the menial staff at several sub-branches in Calcutta as it felt that they were overstaffed. An affidavit has been filed before us by Shri R. B. Shah, Chief Accountant of the Bank, on behalf of the Bank stating that "a larger number of subordinate staff was kept on the books of the Calcutta office for the purpose of training because the Bank intended to open a few more Local Offices and send such trained men to those offices. The Bank had applied to the Reserve Bank of India for permission to open more local branches, but these applications were refused in December 1948. It was found by the Head Office that the number of subordinate staff in Calcutta branches was much more than necessary and the Head Office decided to reduce the staff to the number necessary for the business needs of Calcutta offices. There was no use for the surplus staff. The Head Office directed that "men over 50 should be discharged in preference to younger men. Men with bad leave records, that is, such men as asked for leave very often should be discharged in preference over others. If none of the men come under these categories, then the person last appointed should be discharged first". This policy was carried out and one of the persons so discharged was Shri Ram Kripal Sukul.

5. It is clear that the discharge of this workman was done in the usual course as his services were surplus to the requirements of the Bank. There was no victimization or unfair labour practice. There is no reason to interfere with the order of the Bank. The workman is therefore not entitled to reinstatement or for any other relief. This complaint is therefore rejected. Our award accordingly is that no direction need be given to the Bank in this matter.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY;

Dated 17th May, 1952.

#### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.

(CASE NO. 122 IN THE SCHEDULE TO THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR  
NOTIFICATION NO. S.R.O. 42, DATED 8TH JANUARY, 1952.)

Shri K. L. Bhandari.

*Versus*

The Hindustan Commercial Bank Ltd.

Shri K. L. Bhandari.—Not present.

Shri K. N. Bhatnagar, Establishment Superintendent, Hindustan Commercial Bank Ltd, Head Office, Kanpur.—For the Bank.

#### AWARD

This dispute between Shri K. L. Bhandari and the Hindustan Commercial Bank Ltd. has been referred to this Tribunal for adjudication under Government of India, Ministry of Labour, Notification No. S.R.O. 42, dated 8th January 1952. In the schedule it appears as serial No. 122. The nature of the dispute is put down on "Non-implementation of the Award".

2. In response to the notice of this Tribunal, dated 18th February 1952, Shri Bhandari stated that the dispute still continues to exist and should be adjudicated

upon. He sent a copy of his letter to the Bank, dated 12th August, 1949 wherein he had claimed a sum of Rs. 231-10-0 as still due to him from the Bank. It consists of two items:—

		Rs.
(1) Salary claimed for the period from 1st July 1947 to 20th March 1948 a period of 8 months and 20 days at the rate of Rs. 20 per month amounting to ...		Rs. 162-14-0
(2) Arrears of increment with effect from 1st July 1948 to 22nd June 1949—11 months and 21 days amounting to ... ..		Rs. 68-12-0
		Rs. 231-10-0

he Bank filed a reply statement disputing the right of Shri Bhandari to these amounts. After notice to the parties the case was taken up for hearing at Lucknow on 9th April 1952. Shri Bhandari was not present, nor was he represented by any Union or its officials. For the Bank, Shri K. N. Bhatnagar, Establishment Superintendent in the Head Office of the Bank appeared and set out its case.

3. Although the workman did not appear, still the following facts were admitted before us. Shri Bhandari was first employed on 2nd July 1947 as a godown keeper to look after the godowns pledged to the Bank at Eraich out-station under its Moth Office. He was in service till 26th February 1948. Thereafter according to the Bank, his services were terminated as the accounts of the borrowers at that centre were closed. For the period of this service he was paid his salary and dearness allowance at Rs. 40 and Rs. 25 per month respectively. There was a break in his service. He was re-appointed again as a godown keeper at Orai on 22nd March 1948 to look after the godown of a different constituent which came under pledge to the Bank. There he continued in service till 20th June 1949. When, as per his own letter of 27th June 1947 he resigned the job with effect from 20th June itself.

4. The present dispute relates to two items:—

- (1) Under Shri B. B. Singh's Award in force in Uttar Pradesh from 1st July 1947 when B. B. Singh's Award was in force. The Bank's case paid a minimum salary of Rs. 60 per month. In this particular case, Shri Bhandari was given only Rs. 40 though he was appointed on 2nd July 1947 when B. B. Singh's Award was in force. The Bank's case is that Shri Bhandari was not an under-graduate as he was not even a matric and had never entered on a collegiate course. The exact meaning of the term 'under-graduate' in Shri B. B. Singh's Award was the subject matter of a dispute between the workmen and the Banks. It was one of the points decided by the award of the Conciliation Board. It was decided by that Board that the term really meant a non-graduate. In this view Shri Bhandari will be entitled to the excess amount of Rs. 20 more per mensem as basic salary for the period of his service from 2nd July 1947 to 26th February 1948. He also claims salary upto 20th March 1948 but the evidence given by Shri Bhatnagar for the Bank establishes that Shri Bhandari was only a temporary godown-keeper and was not a permanent employee. His services terminated on 26th February 1948 and he was re-appointed again on 22nd March. For this intervening period he is not entitled to any salary at all. It was said that the employee was not entitled to the difference of Rs. 20 in the basic salary for the period of his service between 2nd July 1947 to 26th February 1948 because he was an "ex-employee". The Bank did not originally pay him the minimum salary of Rs. 60 per month even for the period after 22nd March 1948 when he was re-employed but when the Conciliation Board gave its award defining the meaning of the term 'under-graduate' the Bank recognised the employee's right for the arrears of substantive salary from 22nd March 1948 to 20th June 1949. But they would not recognise his right for the period between 2nd July 1947 to 26th February 1948.

We are of opinion that Shri Bhandari is entitled to the basic salary of Rs. 60 per month even for this period. Both during the time when B. B. Singh's Award was in force and also at the time when the dispute was referred to the Conciliation Board and its award became operative Shri Bhandari was an employee of the Bank and therefore he is entitled to the benefit of the B. B. Singh award as interpreted and clarified

by the Award of the Conciliation Board presided over by Mr. Justice Bind-Basni Prasad. The fact that there was a break in the continuity of his service is really irrelevant. For the period when he was not employed, of course, he is not getting any salary but for the two periods when he was actually in service, i.e. from 2nd July 1947 to 26th February 1948 and from 22nd April, 1949 to 20th June, 1949 he is entitled to be paid the minimum basic salary at Rs. 60 per month. We therefore hold that the Bank should pay him Rs. 157-4-7.

Shri Bhatnagar pointed out that a receipt in full and final settlement of his salary has been given by Shri Bhandari for the period of his service from 2nd July 1947 to 26th February 1948. It was argued that this amount was received by Shri Bhandari without any protest and therefore he is not entitled to claim the difference of Rs. 20 per month for the above period. We cannot agree with this contention. The question of the proper interpretation of the term 'under-graduate' in Sh. B. B. Singh's Award was the subject matter of a dispute between the Banks and their workmen. In these circumstances it would not be just to the workman concerned to take this receipt as an acknowledgment that he is entitled only to Rs. 40 and not to the basic salary of Rs. 60 as given by the Award.

- (2) The second part of the claim relates to the annual increment. Shri Bhandari claims that he was in continuous service from 2nd July 1947 down to 26th February 1949. This is not correct. There has been a break in his service. He is therefore entitled only to one increment at the end of the first full year's service. In this case he would be entitled to an increment of Rs. 4 for the period of his service from 22nd March 1949 to 20th June 1949. This comes to Rs. 11-15-3. The Bank has admitted this in its reply statement. Shri Bhandari is not entitled to any other amount over and above this, under this head.

In the result our award is that the Bank should pay Rs. 169-3-10 to Shri K. L. Bhandari.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY;

Dated 17th May, 1952.

#### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.

(CASE No. 296 IN THE SCHEDULE TO THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR NOTIFICATION No. S.R.O. 42, DATED 8TH JANUARY 1952).

Shri Amar Nath Sharma

*Versus*

The Hindustan Commercial Bank Ltd.

Shri A. C. Kaker, General Secretary of the U.P. Bank Employees' Union—For the Workman.

Shri K. N. Bhatnagar, Establishment Superintendent, Hindustan Commercial Bank Ltd., Head Office, Kanpur—For the Bank.

#### AWARD

This dispute between Shri Amar Nath Sharma and the Hindustan Commercial Bank Ltd. has been referred to this Tribunal for adjudication by the Notification of the Government of India, Ministry of Labour S.R.O. 42, dated 8th January 1952. It appears there in schedule as serial No. 296. The nature of the dispute is shown as "Termination of Service". After due notice to the parties, this case was heard by this Tribunal at Lucknow on 4th April 1952. Shri Amar Nath Sharma was present in person and was represented by the General Secretary of the U.P. Bank Employees' Union. The Bank was represented by Shri K. N. Bhatnagar, Establishment Superintendent of the Bank.

2. The following facts were admitted by both the parties. Shri Amar Nath Sharma entered service as an Accountant in the Kanpur Branch of the Bank on

8th January 1946. On 1st August 1949 he was posted as Officer-in-charge at Pokhrayan Pay Office of the Bank. That office was closed in 1949 and he was transferred again to Head Office on 6th April 1949. On 11th May 1949 his services were terminated and a pay order was sent to him, being his salary for 11 days' service in May and in addition one month's substantive salary in lieu of notice. The forwarding letter merely stated that his services were no longer required by the Bank and a pay order was enclosed.

3. The present complaint is that he had been discharging his duties diligently and efficiently all along and the sudden termination of his services by the Head Office was unwarranted. He also states that subsequent to that the Bank has made fresh appointments. His prayer is that he should be reinstated in his original post or some post equivalent to that and all arrears of salary from 12th May 1949 should be paid to him.

4. The reply statement of the Bank asserts that he was negligent in the performance of his duties while at Pokhrayan office and that he made unauthorised advances to certain parties without sanction from the Head Office, though he had no discretionary powers to make such advances. Further when a surprise visit was paid to his office by the District Manager it was found that the office and the Cash Department had not been opened and that even the cashier and the sentry were not present in office. No satisfactory explanation was given for all these acts. The Bank wrote to the Labour Commissioner for permission to dismiss him. As a result of the enquiry made by the Labour Commissioner the Bank was permitted only to "degrade" him and was not allowed to reduce his salary. The Bank accordingly was obliged to keep him in its service but as permitted by the Labour Commissioner's orders they put him at the bottom of the list of employees in the supervisory grade in Uttar Pradesh. This was in December 1948. But later on when in April 1949 the Bank closed a few of its branches some members of the supervisory staff became surplus to its requirements and their services were retrenched. Shri Sharma at the time of retrenchment was at the bottom of the list of staff of this category and so his services were terminated after paying him a month's salary in lieu of notice.

5. Shri Sharma examined himself before us. He denied having made any advances without sanction. According to him, the Labour Commissioner did not interview him or make any enquiries of him and he was not informed that his seniority had been reduced and that he was put at the bottom of the list. After the termination of his services, he was out of employment for about 2 years. At present he is doing part-time Accountant's job and getting a salary of Rs. 100. He admitted however that when he was in charge of Pokhrayan office he had allowed a loan exceeding the sanctioned limit and not entirely covered by the goods pledged.

In the arguments before us it was admitted that there was an order of the Labour Commissioner refusing permission to the Bank to terminate the services of Shri Amar Nath Sharma but only permitting them to degrade him. The correspondence, copies of which have been filed before us, shows that the Bank represented to the Labour Commissioner that Shri Sharma had made unauthorised advances and was negligent in supervising the work and on those grounds it applied for permission to dispense with his services. The Labour Commissioner, however, only permitted the Bank to reduce his seniority. The Bank wrote again for permission to reduce his salary also but even that was not allowed. As a result Shri Sharma was only put down at the bottom of the list in the cadre of employees of the supervisory staff.

6. The real question before us is whether there was anything improper in the Bank terminating his services thereafter by its order of 11th May 1949. It was admitted before us that the Bank did close a number of branches. It appears that some staff became surplus on account of the closure of branches. There is no evidence before us that the termination of Shri Sharma's services was due to any other cause except the one stated by the Bank. We accept the Bank's case on this point as true.

7. It was argued that if Shri Sharma had been put down in a lower grade his services would have been retained. There is nothing before us to show that the Bank acted improperly in putting him down at the bottom of the list of the supervisory staff in pursuance of the order of the Labour Commissioner. There is nothing to show that at the time when he was so put down at the bottom there was any intention on the part of the Bank of getting rid of his services. In these circumstances it cannot be said that the termination of his services was unjustified or in any way illegal or improper. No unfair labour practice or victimization

is made out. Shri Sharma had also written a personal letter, dated 21st May 1949 wherefrom it appears that he merely wanted his service certificate to be returned to him after incorporating therein the capacity in which he worked and also the reasons for discharge "as he wanted to file the same with the Calcutta office where he was trying for the post". He did not then raise any complaint that he was being improperly discharged from service. The present dispute is only raised by way of an afterthought. Our award accordingly is that the termination of service is not shown to be improper and Shri Sharma's complaint is to be rejected.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated 17th May, 1952.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.

(CASE NO. 304 IN THE SCHEDULE TO THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR NOTIFICATION NO. S.R.O. 42, DATED 8TH JANUARY, 1952).

Shri Dina Nath Rai

*Versus*

The Allahabad Bank Limited.

AWARD

This dispute between Shri Dina Nath Rai and the Allahabad Bank Limited has been referred to this Tribunal for adjudication by the Notification No. S.R.O. 42, dated 8th January 1952 of the Government of India, Ministry of Labour, New Delhi. It appears there in the schedule as serial No. 304. The nature of the dispute is set down as "Non-payment of Local Allowance". After due notice to the parties this case was heard by the Tribunal at Lucknow on 5th April 1952. Shri Dina Nath Rai was present in person and was represented by Shri A. C. Kaker, General Secretary of the U.P. Bank Employees' Union. The Bank was represented by Shri Rameshwar Singh, Agent of its Lucknow (Hazratganj) Branch.

2. Shri Dina Nath Rai was first appointed as a clerk in the Allahabad Bank Ltd., at Calcutta on a basic salary of Rs. 35, in July 1943. He got his usual increments for the years 1944 and 1945. In 1946 it appears that a provisional general increase was sanctioned by the Bank and Shri Dina Nath Rai received Rs. 15 on this occasion. In February 1947, he got another increment of Rs. 5. In April 1947 new scales of salary and allowances were introduced. The provisional increase of Rs. 15 sanctioned was confirmed subject to conditions, one of which was that the increment given before 1st April 1947 would be withdrawn. In Shri Dina Nath Rai's case his basic salary therefore became Rs. 60 which together with the local allowance of Rs. 15 amounted to Rs. 75 in all. It appears that at Calcutta this local allowance of Rs. 15 was for certain purposes merged with the basic salary so that Shri Dina Nath Rai's salary amounted to Rs. 75. In January 1948 he got an increment of Rs. 5. His salary was therefore Rs. 80.

3. It is common ground that on 4th February 1948 he applied for a transfer from Calcutta. His application states that he was not keeping good health and he had been advised by his doctor to get himself transferred to some upcountry station. This application was forwarded to the Head Office who thereupon wrote to the Manager of the local branch where Shri Dina Nath Rai was employed, to ascertain whether the clerk was willing to accept a transfer "on adjustment of his emoluments" as is usual in such cases. The correspondence filed before us shows that the Branch Agent wrote to the Head Office that the clerk was agreeable to his transfer upcountry on adjustment of his emoluments. It was in these circumstances that Shri Dina Nath Rai was transferred at his own request from Calcutta. When he was so transferred his salary at Banaras was fixed at Rs. 65. This was because the local allowance of Rs. 15 which he was drawing at Calcutta was taken away. Thereafter in August 1948 Shri Dina Nath Rai made a representation to the Bank that under the Bank's circular of 9th June, 1948 he was entitled to receive an additional Rs. 5 as he was a matriculate clerk of the required standard, and further that as he has completed five years' service in July 1948 he ought to get Rs. 75 in all. He therefore requested that his pay should be fixed at Rs. 75 per month as per rules prescribed for branches situated in Uttar Pradesh. The Head Office considered this matter and by their letter, dated 27th October 1948 they

advised the Sub-Agent, Banaras to increase Shri Dina Nath Rai's salary by another Rs. 10 from the date of his transfer from Calcutta in order to make his salary upto the scale applicable to staff in the United Provinces. In other words, his request was granted. His present dispute before this Tribunal is that the local allowance of Rs. 15 should not have been taken away by the Bank and his basic salary should have been Rs. 80 and not Rs. 75 though he had been transferred from Calcutta to Banaras. It is this reduction of Rs. 5 per month in his salary which he now claims should be refunded to him for the period from March 1948 to January 1950. His claim is for Rs. 115.

4. The Bank's contention is that the local allowance was payable only for the employees in Calcutta, and clerks in the upcountry branches of the Bank were not entitled to such an allowance and therefore the basic salary of Shri Dina Nath Rai on transfer was reduced from Rs. 80 to Rs. 65. It is true that the local allowance of Rs. 15 was merged with the basic salary for Calcutta employees so long as they were serving at Calcutta for purposes of "provident fund, dearness allowance etc.", but the practice of the Bank was to disallow the local allowance to employees who were sent away from Calcutta. It was on this basis that Shri Dina Nath Rai's salary was fixed at Rs. 65 when he was transferred to Banaras in February 1948.

5. The correspondence shows that the transfer was at the request of Shri Dina Nath Rai and for his own convenience and he has specifically agreed that the usual adjustments of emoluments were to be made when he was transferred from Calcutta. He can, therefore, have no grievance if local allowance was withdrawn as per the well established practice of the Bank. He had in fact agreed to adjustment of his emoluments on transfer. As a matter of fact when in August 1948 he represented that his salary should be raised to Rs. 75 in order to bring it up with the scale applicable in the United Provinces, the Bank agreed to that view and gave him salary at that rate and even with retrospective effect from the date of his joining duty at Banaras. The claim for Rs. 75 was the only request made by him in his letter of August 1948. He did not claim Calcutta local allowance also should form part of his basic salary even after his transfer to Banaras. The truth of the matter is that he knew quite well that it could not be so claimed and it was only on the clear understanding that he would not be entitled to it that he was transferred at his own request from Calcutta to Banaras. The present attempt made on his behalf to prove that the increase of salary from Rs. 65 to Rs. 75 was a partial restoration of the local allowance at the instance of the Labour Commissioner to whom the matter had been taken is not convincing. The basis of the demand for increase of salary from Rs. 65 to Rs. 75 is set out clearly in the letter of Shri Dina Nath Rai himself and it is that claim which was recognised by the Bank. That increase had nothing to do with the restoration of the local allowance either in whole or in part. His grievance that out of Rs. 15 local allowance only Rs. 10 was restored to him and the other Rs. 5 still remains unpaid is not established by the facts of the case. In our opinion there are absolutely no merits in his present claim against the Bank. Our award therefore is that he is entitled to no relief in respect of this dispute.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated 17th May, 1952.

# BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.

(CASE NO. 334 IN THE SCHEDULE TO THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR  
NOTIFICATION NO. S.R.O. 42, DATED 8TH JANUARY, 1952)

Shri Amar Nath Tandon

*Versus*

Gadodia Bank Limited

Shri S. D. Misra, President of the U.P. Bank Employees' Union—For the workman.

Shri Manoharlal Bagai, Member of the Displaced Banks' Association—For the Bank.

## AWARD

This dispute between Shri Amar Nath Tandon and the Gadodia Bank Limited has been referred to this Tribunal for adjudication, by the Notification of the

Government of India, Ministry of Labour, No. S.R.O. 42, dated 8th January, 1952. It appears there in schedule as serial No 334. The nature of the dispute is set down as "Dismissal from service". After due notice to the parties this case was heard by the Tribunal on 10th April 1952 at Lucknow. Shri Amar Nath Tandon was present in person and was represented by Shri Misra, President of the U.P. Bank Employees' Union, Kanpur. Shri Manoharlal appeared for the Gadodia Bank Ltd.

2. The statement of the case sent by Shri Tandon was forwarded to this Tribunal by the U.P. Bank Employees' Union. At the outset an objection was taken for the appearance of Shri Manoharlal. He is a legal practitioner, practising at Delhi. Under Section 36, clause (4) of the Industrial Disputes Act, 1947 it is open to one of the parties to object to the other party being represented by a legal practitioner. It appeared, however, that Shri Manoharlal was not appearing in his capacity as legal practitioner. He is also a Director of the Frontier Bank which is one of the constituent banks of what is known as "The Displaced Banks' Association", which includes also the Gadodia Bank. Under Section 36, clause (2) sub-clause (c), an employer can be represented by another employer engaged in the industry in which the employer is engaged and authorised in such manner as may be prescribed. We were of opinion that under this sub-clause it was open to the Gadodia Bank to be represented by Shri Manoharlal Bagai.

3. The case of the employee as it was put before us by Shri Misra is as follows:—Shri Amar Nath Tandon was appointed on 1st October 1946 as Manager of the Lucknow Branch of the Bank on a salary of Rs. 220. In pursuance of Shri B. B. Singh's award he was given dearness-allowance at the rate of Rs. 27/8/- per month with effect from 1st January 1947. On 14th October 1947 an order from the Head Office dated 7th October was handed over to him by Shri D. K. Gupta in which it was stated that he was transferred to Amritsar Branch of the Bank and he was directed to give charge of the Lucknow Branch to the said Shri D. K. Gupta. No time limit was fixed in the said order for handing over charge. Actually he commenced handing over charge of the Lucknow Branch on 14th October 1947 and he finished it on 31st October 1947. There were about 7 or 8 intervening holidays. On 27th October 1947 he applied for one month's leave on the ground that "his wife had developed a serious boil on her breast". Shri Gupta forwarded his leave application to the Head Office with his recommendation for leave being sanctioned. He had earned leave in terms of the service rules of the Bank and also in terms of Shri B. B. Singh's Award. In view of this and because Shri Gupta had also recommended leave being granted he considered himself to be on leave from 1st November 1947. However, not having had any express sanction, to be very cautious he went to Delhi to verify as to what happened to his leave application and he was told that he would have the necessary information from the Lucknow office. Returning to Lucknow he enquired of the Lucknow office which however gave him no information. Some time about the 23rd or 24th November 1947 he came to know from certain friends employed in other banks that his Power of Attorney had been cancelled by the Bank and his services had been terminated. He never received any written intimation terminating his services. He was never served with any charge-sheet nor was he asked to give any explanation. The order of dismissal under these circumstances was wholly unjustified and should be set aside. He should be re-instated in his post with continuity of service and his arrears of salary along with normal increments should be paid to him.

4. The Bank contended that the services of Shri Tandon were terminated after duly charging him. Thereafter he asked for his dues and he was paid the same. Later on, on instigation by some one he complained to the Labour Commissioner, Uttar Pradesh. Finally the Uttar Pradesh Government referred the dispute between Shri Tandon and the Bank to an Adjudicator. The reference was as follows:—"Whether Shri Amar Nath Tandon was wrongly dismissed; if so, what relief he is entitled." After protracted hearings the learned Adjudicator, Lieut. P. Tewari, decided the issue against Shri Amar Nath Tandon by his award dated 23rd April 1949. The said award was accepted by the Uttar Pradesh Government and published in their Gazette of 13th August 1949. Again on 31st March 1950 Shri Amar Nath Tandon submitted a petition to the Sen Tribunal and prayed for adjudication of the same dispute. The matter was heard by that Tribunal and they passed an award rejecting his complaint. Under these circumstances Shri Amar Nath Tandon's dispute should not now be enquired into by this Tribunal and his petition should be dismissed.

5. As regards the merits of the order of dismissal the Bank's statement says that Shri Amar Nath Tandon was appointed as a Manager of their Lucknow



Branch and as such he was not a workman who can claim the benefit of the Industrial Disputes Act, 1947. There can be no industrial dispute in this matter. The fact that he was given dearness allowance does not make the Manager of the Branch a workman. His work was not satisfactory and he had been making unauthorised advances to parties and also getting loans from those persons. Shri Amar Nath Tandon himself admitted that he had been getting loans from one Mr. Vilayet Hussain, a debtor of the Bank and at the final closing of the account of the said Mr. Vilayet Hussain the Bank suffered a loss of Rs. 1,200. Shri Amar Nath Tandon, on four different occasions, drew money from the Bank from the account of Mr. Vilayet Hussain without his authority and credited himself, after debiting the constituent. He was transferred by the Central Office and was directed to hand over charge to one Shri D. K. Gupta. The Lucknow Branch was a very small office and handing over charge should have been done in two or three days; instead, Shri Tandon delayed matters on one pretext or another, apparently because the accounts were not really in order owing to irregular advances made by him without sanction and he wanted time to set matters right. His application for leave was merely a dodge to get the transfer order cancelled. He mentioned no reasons at all in his leave application and the story of his wife's ailment was an afterthought. No medical certificate was attached to the said application. Under service rules even privilege leave could be availed of only after sanction and an application must be made to the Establishment Superintendent at least three weeks before the date from which leave is required. The Bank denies the allegation that he was not informed that leave was refused. The Central Office sent a wire to Lucknow Office on 30th October 1947 that Shri Tandon should hand over charge and be relieved at once and that he should proceed to Amritsar. This was confirmed by a letter wherein it was stated that leave could not be given. In spite of this, he absented himself from duty, remained at Lucknow and would not proceed to Amritsar. It was because of this that the Central Office issued orders for his dismissal on 17th November 1947, to be effective from the date of his absence, viz., 1st November 1947. Because of the heavy loss sustained by the Bank by reason of two unauthorised advances made by Shri Tandon to parties with whom he had personal dealings, the Management had to close the Lucknow Branch of the Bank. The dismissal was justified and Shri Tandon could neither be re-instated nor given any salary as claimed by him.

6. It was admitted before us that the dispute between Shri Amar Nath Tandon and the Bank was referred to the adjudication of Lieut. P. Tewari. An award was given by him in April 1947. He did not go into the merits of the order relating to dismissal, but he held that Shri Amar Nath Tandon, being a Manager of a branch and an officer, was not a workman and hence the Industrial Disputes Act, should not apply in his case. On the second occasion when the same dispute was again heard by the Sen Tribunal it was held that the previous adjudication by Lieut. Tewari had become final and the matter could not be again re-agitated by Shri Tandon. The Sen Tribunal did not give any finding as regards the facts in controversy between the parties.

7. Shri Amar Nath Tandon examined himself before us. For the Bank, copies of the correspondence were filed. From the correspondence it appears that the employee was first appointed as Manager of the Lucknow Branch. He was given a power of attorney. It is clear from the terms thereof that he was an officer of the Bank and his work cannot be said to be either clerical or manual. Although his case has been taken up by the U P Bank Employees' Union it may be difficult to hold that this is case of an industrial dispute as defined in Section 2(k) of the Act. Shri Tandon cannot be said to be a workman within the definition of clause 2(s) of the Act. The words "any person" in the definition of Industrial Dispute, Section 2, sub-clause (k) cannot be interpreted in such a way as to include Shri Tandon who is an officer. The precise meaning of this term has been considered by a full bench of the Labour Appellate Tribunal in a recent decision. In the light of that judgment and the observations therein we must hold that the present dispute will not come under the term "Industrial Dispute". It is however, doubtful whether it is open to us to throw out this case on that ground. Section 10, Clause (4) of the Act as it now stands directs that the Tribunal shall confine its adjudication to the points of dispute referred for adjudication and matters incidental thereto. Apparently whether the reference itself is a valid reference of an industrial dispute is not to be decided by the Tribunal. The policy underlying the recent amendment appears to be that such questions of jurisdiction should be decided by authorities other than the Tribunal itself. Section 10, clause (4) reads as follows:—"Where in an order referring an industrial dispute to a Tribunal under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, the

Tribunal shall confine its adjudication to those points and matters incidental thereto." The words in the above section "in an order referring an industrial dispute to a Tribunal" are however somewhat ambiguous. They might mean either an order referring what is in fact and in law an industrial dispute to be so decided by the Tribunal itself or an order referring to what is an industrial dispute considered as such by the appropriate Government. If the first interpretation is accepted, the Tribunal itself can and should decide the question whether what is referred is an industrial dispute within the meaning of the Act. If the second interpretation is to be accepted, the Tribunal itself cannot deal with the question whether the dispute which is referred to is really an industrial dispute and it has to confine itself to adjudicating merely on the points of dispute. We do not think it necessary to come to a conclusion which of these two interpretations should be accepted as the right one. We will proceed on the assumption that it is not open to this Tribunal to decide whether this is an industrial dispute or not.

8. On the merits of the dispute, however, we are of opinion that the order of dismissal is right. It is difficult for us to accept the plea of Shri Tandon that he was not aware that the Head Office insisted on his handing over charge by the end of the month and on his proceeding to Amritsar straight from Lucknow. A wire to that effect was received at the Lucknow office. There was also a confirmatory letter which was received. Shri Tandon says he was not made aware of it. We do not believe this. There is no reason why the new Manager Shri Gupta should have withheld this information from Shri Amar Nath Tandon. It is true that the latter made an application for privilege leave. Though Shri Tandon deposed that in his leave application he had stated that his wife was ill we find from the leave application produced before us that there is no such statement. His case that his wife was suffering from a boil appears to be an afterthought. According to Shri Tandon the new Manager recommended his leave being granted and forwarded his application to Head Office. Here again, the record shows that this is not correct. The leave application was simply forwarded for orders without any remarks. Shri Tandon then shifted his ground and said that he was orally told by Shri Gupta that he would recommend his leave. He admitted that Shri Gupta was not inimically disposed towards him. In these circumstances it is difficult to believe that the decision on his application was not communicated to him. The truth of the matter seems to be that he was not willing to go from Lucknow to Amritsar. At that time Amritsar was not considered to be a safe place due to the communal riots consequent on the partition of India. Shri Tandon knew that privilege leave could not be availed of before it was sanctioned. The service rules were quite clear that an application should be made well in advance of the date from which the leave was required and that the employee could avail himself of the leave only after sanction. In these circumstances his explanation for absence from duty and his failure to proceed to Amritsar cannot be justified. It is also clear that he had been taking an unduly long time to hand over charge of the Lucknow Branch. Notwithstanding the intervening holidays, it should not have taken such a long time as a fortnight for him to hand over charge of such a small office. We think the real reason is that there were irregular advances made by him without sanction and he was delaying with a view to see whether matters could be set right before charge could be handed over. He had to admit before us that he had business transactions with a constituent of the Bank. Four vouchers of debit and credit entries have been filed before us, the constituent being debited with certain sums and Shri Tandon's account being credited with like amounts. No doubt he claims that these were done at the instance of the constituent himself and they have been repaid. The constituent has not been examined before us to support him. His statement may still be true but transactions of that kind are undesirable. Shri Tandon admitted before us that that constituent of the Bank owed money to the Bank under a cash-credit transaction and when the Bank wanted to close its business at Lucknow they were obliged to grant him a remission of Rs. 1,200 to adjust his loan in full at once. Shri Tandon again admitted that he had borrowed from Shri Vilayet Hussain on the security of his provident fund and security deposit and he had given a letter to the Bank authorising them to pay that amount to the said Shri Vilayet Hussain and the amount was so paid. We are of opinion that Shri Tandon had really acquiesced in the termination of his services as he was not willing to proceed to Amritsar, a place which he considered somewhat hazardous and insecure and he withdrew his provident fund and security fund on the basis of his termination of service. For these reasons we think the complaint that he was unjustly dismissed cannot be upheld.

9. In the above view it is unnecessary to consider whether, on a true interpretation of Section 10, clause (4) of the Act, it is open to the Tribunal to decide

the question of its jurisdiction and whether the dispute that is referred is an "Industrial dispute" under that Act, nor is it necessary to deal with the question of the effect of the Award of Lieut. P. Tewari, the adjudicator appointed by the Uttar Pradesh Government who decided that no relief could be given to Shri Tandon in respect of his alleged dismissal.

10. In the result our award is that the dismissal of Shri Amar Nath Tandon is not shown to be unjustified. He is not entitled to any relief.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated the 17th May, 1952.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
AT LUCKNOW.

(CASE No. 348 IN THE SCHEDULE TO THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR  
NOTIFICATION No. S.R.O. 42, DATED 8TH JANUARY, 1952).

Shri Sivaram Sahney

*Versus*

The Hindustan Commercial Bank Ltd.

AWARD

This dispute between Shri Sivaram Sahney and the Hindustan Commercial Bank Ltd. has been referred to this Tribunal for adjudication by the Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January 1952. It appears in the schedule as serial No. 348. The nature of the dispute is described as "Termination of Employment".

After notice to the parties, this case was heard by the Tribunal at Lucknow on 10th April 1952. The workman who is a resident of Kanpur was not present but he was represented by Shri S. D. Misra, President of the U.P. Bank Employees' Union. The Bank was represented by Shri K. N. Bhatnagar, its Establishment Superintendent at the Head Office, Kanpur.

The admitted facts are these:—Shri Sivaram Sahney was first employed as a clerk on 1st April 1944 on a salary of Rs. 90 including dearness allowance. On 3rd June 1947 he was transferred from Kanpur to Jhansi as an Accountant. He was given an increment of Rs. 2. On 14th May 1949 his services as Accountant at Jhansi were terminated. The only reason given in the letter terminating his services was that his services were no longer required by the institution. He was given a month's salary in lieu of notice but without dearness allowance. In his statement before this Tribunal he has alleged that he was one of the founders and active worker of the U.P. Bank Employees' Union and that he was summoned to give evidence in the enquiry before Shri B. B. Singh. That on account of this the Bank transferred him from Jhansi to Bikaner after degrading his designation from Accountant to Head Clerk without giving any reasons for such degradation but on a complaint by him to the Provincial Labour Office and at their intervention the order of transfer was cancelled. He also states that the increment due to him on 1st January 1949 was not given. Persons junior to him, he says, are still in service and since his discharge, a large number of employees also have been recruited. He prays that the order of discharge should be set aside and that the Bank should be directed to reinstate him in his post at Head Office and that he should be given all arrears of salary, increments and allowances and other consequential reliefs. He also states that he should be given 6 months' salary as compensation for his worries and mental agony.

In its reply statement the Bank has contended that it had to close a number of unremunerative branches and as a result there was retrenchment of surplus staff. The system in vogue in the Bank was stated to be that the seniority of every member of the staff was determined from the date of his appointment if the employee remained in the same grade in which he was appointed but "where he is promoted to a higher grade the seniority is counted from the date of such promotion." The members of the staff are classified into several groups. The Bank's policy in effecting retrenchment is to send away the juniormost staff in each such grade taking the whole Province as one unit for this purpose. Shri

Sivaram Sahney had to be retrenched in accordance with this policy and he could have no complaint. The present charge of victimization on account of his Union activities is only an afterthought because he had not mentioned anything about this in his statement before the Sen Tribunal which also enquired into the matter. The Jhansi sub-branch has been closed with effect from 22nd March 1951.

Shri Misra appearing on behalf of the workman submitted that there was fresh recruitment in the bank and Shri Sahney was not offered re-employment as per directions of the Sen Award. He also said that at the time of his retrenchment there were several persons junior to him in service both at the Head Office and in the branches and they are still continuing in service. The original summons issued to Shri Sahney to give evidence before Shri B. B. Singh was also filed before us. No oral evidence was let in. For the Bank the correspondence was filed. Shri Bhatnagar submitted that in April 1949 the Bank decided to close 19 branches and the Managing Director decided as to who should be retrenched. Length of service and efficiency were the main factors that were kept in view in deciding on persons to be retrenched. According to him four people of the same grade as Shri Sahney and twenty clerks were retrenched on that occasion. He filed before us a copy of the statement of Shri Sahney before the Sen Tribunal and pointed out that the only complaint there was about the principle adopted by the Bank in the matter of deciding who should be retrenched and there was no mention of any victimization on account of his alleged Union activities. He stated that there was no fresh recruitment after the Sen Award but on the other hand there was further retrenchment. He pointed out that in pursuance of the B. B. Singh Award, the workman had been given an increment in January 1948 and submitted that this showed there was no prejudice against him on the part of the Bank though he had given evidence in the enquiry before Shri B. B. Singh. He gave no explanation however, as to why increment was not given in 1949. After examining the official records in his possession Shri Bhatnagar admitted before us that there were eight persons junior to Shri Sivaram Sahney. The following list of names was given out by him:

Serial No.	Name	Designation	Date of appointment
61	Shri P. C. Chandhok	Officer-in-Charge of Kanauj Sub-Office	14-7-1947
62	„ Sita Prasad	Officer-in-Charge of Sitapur Pay Office	23-7-1947
63	„ Satya Prakash	Officer in Charge, Meerut Pay Office	3-9-1947
64	„ R. C. Ruizada	Sub Agent, Mirzapur	10-11-1947
65	„ R. K. Rastogi	Assistant Accountant, Hazratganj, Lucknow Sub Office	1-1-1948
66	„ U. N. Bajpai	Sub-Agent, Nainital	3-2-1948
67	„ P. C. Chopra	Godown Inspector	23-9-1948
68	„ S. L. Tandon	Probationer	18-7-1947

As only four persons had to be retrenched, there was no reason why Shri Sahney should have been sent out. Shri Bhatnagar however tried to explain that some of the junior people were officers in charge of Sub-Offices or Pay Offices and it was not considered desirable to send them away. It will be noted that even this explanation is not sufficient to justify the order terminating the services of Shri Sahney. One of the persons junior to him, Shri R. K. Rastogi, was only an Assistant Accountant in the Lucknow Sub-Office. His services were retained. Similarly Shri S. L. Tandon was only a Probationer and he also was retained.

We are not satisfied that Shri Sahney's services were properly terminated. There were eight persons junior to him even in the same grade and certainly even if it was necessary to send out any one, four persons below him should have been sent out. No explanation was offered why Shri R. K. Rastogi, Shri U.P. Bajpai and Shri S. L. Tandon who were junior to Shri Sahney should have been retained. Shri Bhatnagar said that efficiency was also one of the factors taken into consideration in deciding which employee should be sent out but no materials were placed before us by the Bank to show that this particular workman was inefficient nor is it one of the grounds mentioned in the order terminating his services.

Shri Misra appearing for the workman vehemently condemned the practice of counting seniority from the date of promotion to a higher grade. He said that this was opposed to all principles of justice. Seniority ought to count from the date of the first appointment. There seems a good deal of force in this contention. The policy of the Bank as described by Shri Misra was one of "Push and Crush". It is unnecessary however to deal with this aspect of the matter because in our view even if the date of promotion should be taken as a starting point it is clearly established that employees junior to Shri Sahney were not retrenched and still continue in service. In these circumstances, we are of opinion that the termination of Shri Sivaram Sahney's services were not justified.

It is true that in the statement before the Sen Tribunal no special case of victimization was put up but the evidence before us shows that this workman took a leading part in the enquiry before Shri B B Singh. His statement that there was an attempt to transfer him from Jhansi to Bikaner after degrading him from Accountant to Head Clerk has also not been controverted in the Bank's reply statement. The increment ordinarily due to him in January 1949 was also not granted, and no reasons were given for withholding it. In these circumstances there is room for suspicion that the termination of Shri Sahney's services in May 1949 may also be due to the dislike of the Bank for his Union activities.

We are of opinion that Shri Sahney should be restored to his post. As he did not examine himself before us and as we have not full materials as to whether he was employed or unemployed since 1949 we do not think that we could pass an order granting him arrears of salary from May 1949 as prayed for by him, but he should be paid his proper salary and allowances as from 1st January 1952. We also direct that his services should be treated as if there were no break in it, the period between 14th May 1949 to 31st December 1951 being treated as leave without pay. We pass an award accordingly, in the above terms.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY,

Dated the 19th May, 1952.

[No. LR-100(30).]

New Delhi, the 29th May 1952

**S.R.O. 1021.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (XIV of 1947), the Central Government hereby publishes the following awards of the All India Industrial Tribunal (Bank Disputes), in respect of applications under section 33-A of the said Act preferred by Shri Narayan Vithal Gude of the Imperial Bank of India and Shri R. Krishnamachari of the Hindu Bank Karur, Ltd.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES),  
BOMBAY.

COMPLAINT NO. 7 OF 1952 UNDER SECTION 33A OF THE INDUSTRIAL DISPUTES ACT, 1947  
Shri Narayan Vithal Gude, c/o Imperial Bank of India, Bombay—*Complainant.*

*Versus*

The Imperial Bank of India, Bombay—*Opposite Party.*

#### AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 (Act XIV of 1947), by Shri Narayan Vithal Gude, an employee of the Imperial Bank of India, Bombay. The complaint states that Shri Narayan Vithal Gude has been working as a lodger keeper in the Accounts Department of the Bank on a basic salary of Rs. 205. According to him the provisions of Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951 have not been observed by the Bank. His precise complaint is that dearness allowance, payable to him, should have been calculated, with reference to the rise in the cost-of-living index figures published in the "Indian Labour Gazette" as per the terms of the Award of the Sen Tribunal. He also says that the house-rent allowance due to him during the period he was on leave has been withheld. These acts of the Bank are alleged to constitute alterations in the conditions of service of the employee within the meaning of Section 33 of the Act and as they have been done without the permission of the Tribunal, the present complaint is filed by him

under Section 33A of the Act. The complaint also states that this case should be treated as a test case as all the employees of the Imperial Bank of India are concerned in this complaint.

2. In view of the fact that the first of the questions raised in this dispute has been considered by us in our award in Complaint No. 1 of 1952 in the case of Gurudath N. Trikamnad and others *versus* the Bank of India Ltd. award published in the "Gazette of India", Part II—Section 3, dated March 29, 1952, we directed that this case may be posted for preliminary hearing before issuing notice to the Imperial Bank of India. Accordingly Shri R. S. Dixit assisted by Shri Buch appeared for the complainant and argued the matter before us. The point made by the learned Counsel was that the rate of allowance which was "frozen" under the terms of Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951 meant the fluctuating rate linked up with the rise and fall in the cost-of-living index numbers in so far as dearness allowance is concerned. He submitted that there has been a rise in the cost-of-living index number particularly in the months of December 1951 and January and March 1952, a rise to such an extent as to justify the employee's demand for an increase in the rate of dearness allowance. The Bank according to him acted illegally in not recognizing this rise. This he urged amounts to an alteration of the service conditions of the employee as they were immediately prior to the pendency of the proceedings before this Tribunal. For reasons which we have given *in extenso* in our award in Complaint No. 1 of 1952, we are unable to hold that this is an alteration in the conditions of service. We do not think it necessary to elaborate the point once again here. Section 33A is therefore unavailable to the party in the circumstances of the case. He may have other remedies open to him about which we do not wish to say anything.

3. The second part of the complaint was that the withholding of the house-rent allowance during the period the employee was on leave was an unauthorised alteration of the conditions of service. From the copies of correspondence attached to the complaint it is clear that this refusal on the part of the Bank to recognize the right to house-rent allowance during periods of leave was made even as early as September 1951. Whether the Bank's act was right or wrong it cannot be said that anything has been done by them on or after 5th January 1952, in which case only the permission of this Tribunal would, if at all, have been required. Here again, Section 33A cannot apply. We have therefore decided to reject this complaint without issuing notice to the opposite party. Our award accordingly is that this complaint be dismissed summarily.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY;

Dated 5th May, 1952.

#### BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) BOMBAY

COMPLAINT NO. 5 OF 1952 UNDER SECTION 33A OF THE INDUSTRIAL DISPUTES ACT, 1947.

Shri R. Krishnamachari, c/o The Hindu Bank Karur Ltd., Big Kammala Street, Tiruchirapalli—*Complainant.*

*Versus*

The Hindu Bank Karur Ltd., 57, New Kutcherry Street, Karur (Dist. Tiruchirapalli)—*Opposite Party.*

Shri R. Krishnamachari—in person.

Shri Anantha Rao, Manager of the Hindu Bank Karur Ltd.—for the Bank.

#### AWARD

This is a complaint by Shri Krishnamachari, employed as a Junior Accountant in The Hindu Bank Karur Ltd., Tiruchirapalli, in respect of an order issued by the Bank, dated 6th March 1952 shifting his headquarters from Tiruchirapalli to Erode and directing him to audit the accounts of the four branches of the Bank at Tirupattur (North Arcot), Erode, Tiruchirapalli and Devakottai. This order is alleged to be "by way of victimization" because according to the complainant he took a leading part in preparing the charter of demands of the employees in respect of the enquiry relating to service conditions. The complaint states that Shri

Krishnamachari was appointed as a clerk in the beginning of 1947 and after 3 months he was asked to attend to the audit work of the Bank's branches in the Mysore State with Mysore as his headquarters. In the year 1949 he was transferred to Tiruchirapalli and he was given other branches to audit, with Tiruchirapalli as his headquarters. Since then he has been working at Tiruchirapalli. He alleges that the Bank desires to dispense with his services and as a preliminary step an order has been passed transferring his headquarters from Tiruchirapalli to Erode which is 100 miles away from Tiruchirapalli. He prays that the Bank should be directed to cancel the said order and he should not be disturbed from Tiruchirapalli "at least for a period of about ten years". On receipt of the complaint a notice was issued to the Bank to show cause why the order complained of should not be directed to be cancelled. The Bank filed its reply statement denying that there was any act of victimization and alleged that the transfer order was passed in the usual course of management.

2. The case was taken up for hearing at Bombay on 17th April 1952, there having been earlier adjournments at the request of parties. Shri Krishnamachari appeared in person and represented his case. He examined himself. The Manager of the Bank appeared for the Bank and examined himself as witness for the Bank. The correspondence, copies of which were filed with the Tribunal was referred to and treated as documentary evidence. The correctness of the copies was accepted by the parties.

3. We are satisfied that there is no substance in this complaint. The admitted facts are that Shri Krishnamachari was one of the three Junior Accountants of the Bank. He was originally asked to do audit work with reference to branches in the Mysore State, but the branches in that State have now been closed under instructions from the Reserve Bank of India. The staff of Junior Accountants is now reduced to two. Shri Krishnamachari was transferred from Mysore to Tiruchirapalli at his own request. In his letter, dated 21st February 1949 he pleaded that his headquarters should be fixed at Tiruchirapalli as it will be helpful to him in many ways. In that letter he also wrote as follows: "After a couple of years, I myself will take the initiative for a transfer." It was on this application of his that the Bank transferred him from Mysore to Tiruchirapalli in 1949. Consequent on the closure of the branches in Mysore State early this year the order of 6th March 1952 fixing Shri Krishnamachari's headquarters at Erode instead of at Tiruchirapalli and allotting to him the audit work of Tirupattur, Erode, Tiruchirapalli and Devakottai was passed by the Bank. In his evidence before us, Shri Krishnamachari admitted that he had no objection to do the work of the four branches, as allotted. His only grievance is that he is not permitted to have his headquarters at Tiruchirapalli instead of at Erode. The case for the Bank is that Erode is a more central place and in the interests of efficiency of work the headquarters of this Junior Accountant should be at Erode rather than at Tiruchirapalli. In any case, the Manager says that this order was not due to any feeling of ill-will or malice towards Shri Krishnamachari. It was purely an administrative matter taken in the interest of efficient management of the work. Shri Krishnamachari himself admitted that even as late as March 1952 the Bank had given him his annual increment. We are not satisfied that this order of the Bank was in any way due to any ill-will and resentment against his activities in getting up and forwarding the charter of demands on behalf of the employees to this Tribunal. It may be recalled that even in his letter dated 21st February 1949 he himself stated that he would take the initiative for a transfer after about two years. There is no proof of any prejudice on the part of the Bank against Shri Krishnamachari. The real reason for the order transferring his headquarters from Tiruchirapalli to Erode appear to have been the decision of the management that Shri Krishnamachari would be able to discharge his duties more efficiently if a place more centrally situated than Tiruchirapalli was selected. Of the four branches, it was admitted that Devakottai branch had very light work and practically the major part of the work had to be in relation to the auditing of accounts in the branches of Tiruchirapalli, Erode and Tirupattur. Undoubtedly Erode is a place which is centrally situated in relation to these three places aforesaid. We cannot therefore agree with the contention of Shri Krishnamachari that because he has no relations to help him at Erode the Bank should keep him in Tiruchirapalli rather than transfer him to Erode. There has been no contravention of the provisions of Section 33 of the Act. It may also be noted that Shri Krishnamachari had agreed to the management against the order of transfer praying that the same may be reviewed but before he got an answer to it he filed this complaint before this Tribunal. He would have been well-advised if he had awaited a reply from the Bank to his representation. Now that our finding is that there has been no act of victimization proved and there has been no contravention of Section 33

of the Act it will be for the Bank authorities to consider the merits of his representation regarding the alleged inconvenience and hardships likely to be caused by fixing his headquarters at Erode instead of at Tiruchirapalli. It is for the management to decide whether they can agree to his request. Our award accordingly is that this complaint will stand dismissed. The Bank does not press for costs and in the circumstances therefore there will be no order as to costs. The Bank, however, will treat Shri Krishnamachari as having been on duty during the period of his absence from his post for the purpose of attending the proceedings before this Tribunal.

S. PANCHAPAGESA SASTRY, *Chairman*.

M. L. TANNAN, *Member*.

V. L. D'SOUZA, *Member*.

BOMBAY;

Dated 5th May, 1952.

[No. LR-100(18).]

**S.R.O. 1022.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Bank Disputes), in respect of an application under section 33-A of the said Act preferred by Shri L. N. Mehrotra, a former employee of the Hindusthan Mercantile Bank Ltd.

**BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT LUCKNOW.**

COMPLAINT NO. 6 OF 1952 UNDER SECTION 33A OF THE INDUSTRIAL DISPUTES ACT, 1947

L. N. Mehrotra,

*Versus*

Hindusthan Mercantile Bank Ltd.

Shri S. B. Misra, President, U.P. Bank Employees' Union, Kanpur Unit—For Shri L. N. Mehrotra.

Shri Hari Shankar Lal Khanna, Manager, Hindusthan Mercantile Bank Ltd., Kanpur Branch.—For the Bank.

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 (Act XIV of 1947), by Shri L. N. Mehrotra residing at 46/16 Chapper Mohal, Kanpur against the Hindusthan Mercantile Bank Ltd., Kanpur. After issue of notice to the parties, this case was heard by us at Lucknow on 10th April 1952.

**2. The main allegations in the complaint are these:—**

Shri Mehrotra was appointed as a clerk in the Bank on 16th May 1945 and was serving in the Kanpur Branch. On 29th October 1951 he was transferred to Kanauj Sub-Office. The order of transfer is by way of victimization for his trade union activities. However, after joining the Kanauj office on 1st November 1951 he found that he had to take leave from 14th November to 18th December 1951 as his wife was ill at Kanpur and there was nobody to attend on her except himself. It is alleged that on 23rd November 1951, the Bank wrote a letter to him and sent it to an address where he did not usually reside in those days and the same was returned to the Bank undelivered. Another letter, dated 13th December 1951 addressed correctly to his home address which was with the Bank was duly received by him on 16th December 1951. From this letter he came to know that he has been suspended from duty from 23rd November 1951, on flimsy grounds and he was asked to give his explanation with regard to the charges framed against him. He sent his explanation but nevertheless the Bank discharged him from service by its letter, dated 16th January 1952 with retrospective effect from 23rd November 1951. He has not been paid his wages for the days he worked in the Kanauj branch in November 1951, nor for the period when he applied for leave or for the period when he remained suspended from duty. The order terminating his services is also illegal as the previous permission of the Tribunal was not taken under Section 33 of the Act. He, therefore, prays that the order of discharge may be set aside and that he should be reinstated in his



original post in Kanpur with continuity of service and that full salary and allowances throughout the period should be paid and further he should be awarded Rs. 500 by way of special compensation.

3. The Bank filed its reply contending that the employee had deliberately absented himself without leave, that he purposely did not give his correct address to the Bank, that he would not receive letters tendered to him by a special messenger or sent by post, that he had been warned once before in 1949 not to absent himself without getting leave sanctioned and that the Bank was not aware of his trade union activities nor did it victimize him for such activities. It is contended that no previous permission of the Tribunal was necessary in the circumstances of the case.

4. The employee was represented by Shri S. B. Misra, President of the U.P. Bank Employees' Union, Kanpur Unit. Shri Mehrotra himself was not present at Lucknow during the hearing and was not examined in support of his case. The Bank filed copies of the relevant correspondence for the period, and Shri Misra accepted them as correct.

5. The following facts emerge from the correspondence. The employee was transferred to Kanauj Sub-Office. He was very reluctant to leave Kanpur and go to Kanauj. He was pleading that he was suffering from dysentery and that he could not therefore go to Kanauj, but when the Bank insisted on his joining at Kanauj promptly, he joined that office on 2nd November 1951. Thereafter he applied for casual leave on the ground that his mother-in-law was ill at Calcutta. It was sanctioned. He was due to rejoin duty on 10th November 1951. But on 10th November 1951 he wired from Calcutta to Kanauj that he missed the train and he wanted leave for Saturday. It appears that he left Calcutta the next day, but instead of going to Kanauj he stopped at Kanpur. From Kanpur he sent a letter to Kanauj office applying for leave for one day for the reason that he was suffering from pain in the right leg. This letter did not contain his address at Kanpur. 13th November 1951 was a holiday. Another letter from Kanpur, dated 13th November was received by the Kanauj office on 14th November 1951. That was an application asking for leave from 14th to 20th November 1951, the reason alleged being that his wife was ill and there was nobody else to look after her. This letter again did not contain his address at Kanpur. The Kanauj office wrote to him on 14th November 1951 that leave has not been sanctioned and that he should report at once for duty. This letter was sent by registered post addressed to him c/o Messrs. Hazarilal Charandass, Hosliery Merchants, Bagia Maniram, Kanpur. It was returned with the endorsement "refused", dated 17th November 1951. Shri Mehrotra sent a letter to the Bank, dated 19th November 1951 again from Kanpur but without indicating his exact address, stating that his wife was suffering from typhoid and therefore it was necessary for him to remain on leave till her recovery. He applied for leave from 21st November to 4th December 1951. No medical certificate was sent along with the letter. On 20th November 1951, the Kanauj office wrote to Shri Mehrotra c/o Messrs. Hazarilal Charandass, Bagia Maniram, Kanpur, to the effect that is already informed the leave applied for has not been sanctioned to him and that he should join immediately. That letter pointed out that he had deliberately avoided giving his address in his applications and that he had refused acceptance of a letter addressed to him through the Kanpur office which was highly objectionable. He was definitely informed that no further leave could be granted to him and that the Bank took a very serious view of his absence without leave. A registered letter was sent by the Bank once again on 23rd November 1951 to Shri Mehrotra, c/o Messrs. Hazarilal Charandass, Bagia Maniram, Kanpur enclosing the reply of the Bank declining to grant him leave and also suspending him from duty, framing a charge-sheet and asking for his explanation. This letter again came back with the endorsement "refused". It appears, however, that an undated postcard was received at Kanauj office from the workman on 13th December 1951 asking for his salary for the month of November 1951 and also containing a request for leave from 5th December to 18th December 1951. This letter gave his address, as "46/16 Chapper Mohal, Kanpur". The Bank immediately replied to him at the said address that they had already suspended him from duty as from 23rd November 1951. The Bank took strong exception to his conduct and asked him to send his explanation to the charges framed against him immediately, otherwise his services may have to be terminated. Copies of the Bank's letter of 23rd November 1951 were enclosed. It may be noted that as in all his previous applications from Kanpur he had carefully avoided giving his address and all the registered letters were refused, the Bank's attempts to contact him at Kanpur were not successful. It was only in the postcard of December that the employee gave an address, obviously because that was a request to send his salary to him and he wanted to receive the money. Until then he was deliberately avoiding receipt of letters from the Bank. This conduct

deserves censure. As the Bank promptly sent him another registered letter to the address given by him in his latest postcard, he could no longer avoid receiving the same and put off sending his explanation to the charges framed against him. He accordingly sent an explanation and it was only then that along with the application he forwarded a medical certificate bearing a much earlier date, 20th November 1951, about his wife's illness. Though he received the registered letter on 15th December he sent his explanation, dated 22nd December was received by the Bank only on 26th December. His explanation was that he was applying for leave only on justifiable grounds, that his wife was really ill and that he thinking that the leave would be sanctioned to him as a matter of course was absent, that he never wilfully avoided receiving letters addressed to him and that it was the Bank that purposely sent letters to the wrong address and that he was not in truth aware of the letters said to have been sent to him by the Bank.

All these facts emerge from the correspondence. It seems fairly clear that the workman was unwilling to leave Kanpur and serve at Kanauj, and that he had been asking for leave on some ground or other and never rejoined duty at Kanpur after 10th November 1951. He never cared to ascertain what happened to his leave applications. He was in Kanpur and he could very easily have written to the Kanauj office or ascertained from the Kanpur office itself whether the leave had been sanctioned to him. We are of opinion that he deliberately withheld his Kanpur address from the Bank. As a matter of fact, there is evidence to show that he was found in the shop and attending to the business of Messrs. Hazarilal Charandass, in which his father was originally a partner and afterwards he himself became a partner. The letters addressed to him at that address were returned "refused". We have no doubt that this was all purposely done by him. He was not really willing to submit to the transfer order and continue to work in Kanauj. It is true that he has put in six or seven years' service and that the Kanauj Agent thought his explanation may be accepted. The Head Office, however, took a serious view of his acts. It is rather difficult to understand why he should have taken up this defiant attitude, but the correspondence leaves no doubt that his conduct amounted to wilful disobedience of orders. He has not chosen to examine himself and explain his conduct although it was stated that he was at Kanpur. He had been given a warning in 1949 itself that if he should absent himself without obtaining leave previously except on grounds of illness or other similar good cause, such lapses on his part would not be tolerated. He paid no heed to this and practically defied the orders of the management. It was argued that he was an active Trade Unionist but there is no proof of its except that he was a member of a Trade Union. As already stated he has not examined any one not even himself. Moreover, the Kanauj Sub-Office has since been closed and some of its staff has been disbanded and some others have been sent elsewhere.

It is true that the order terminating his services was passed on 16th January 1952 during the pendency of the proceedings of this Tribunal and the previous permission of this Tribunal ought to have been taken under Section 33 of the Act. Still the merits of the dispute have got to be examined. We are of opinion that in this particular case the Bank's order terminating his services was not unjustified. Our award accordingly is that this complaint should be dismissed.

S. PANCHAPAGESA SASTRY, *Chairman.*

M. L. TANNAN, *Member.*

V. L. D'SOUZA, *Member.*

BOMBAY;

Dated 17th May, 1952.

[No. LR-100(18).]

New Delhi, the 2nd June 1952

**S.R.O. 1023.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal at Dhanbad in the dispute between the management of the New Satgram Colliery and their workmen in respect of concessional supply of rice and atta.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 30 of 51.

## PRESENT:

Shri S. P. Varma, B.A., Barrister-at-Law, *Chairman*.

## PARTIES:

The management of New Satgram Colliery.

## AND

Their workmen.

## APPEARANCES:

*For the management:*

Shri S. N. Mullick, Hon. Secretary, I.M.F., along with Shri D. P. Mitra, Manager, New Satgram Colliery, and Shri C. M. Dave, Manager of the Calcutta Office.

*For the workmen:*

1. Shri R. K. Rudra, Office Secretary, Colliery Mazdoor Congress.
2. Shri Jagadish Pandey, Ex. General Secretary, Colliery Mazdoor Congress.

## AWARD

By a notification No. LR.2.(354), dated 1st November 1951, the Government of India in the Ministry of Labour has referred the dispute between the management of the New Satgram Colliery and their workmen in respect of concessional supply of rice and atta to the workmen.

2. Usual notices were issued to the parties on 14th November 1951. After receipt of the statements from the workmen as well as the management the date of hearing of the case was fixed for 21st March 1952. On 18th December 1952, an application was received by this Tribunal from one Shri Jagadish Pandey, Ex. General Secretary of the Colliery Mazdoor Congress claiming to represent more than 300 employees of the colliery. On 21st March 1952, Shri R. K. Rudra, Office Secretary, Colliery Mazdoor Congress appeared for the workmen but Shri Jagadish Pandey did not appear on this date. As some documents were to be produced by the parties connected with the case the hearing was adjourned to 12th May 1952. On 12th May 1952, Shri Jagadish Pandey Ex. General Secretary, Colliery Mazdoor Congress along with Shri Balwant Singh, Secretary, Pit Committee, and Shri Budhan Saha, President, Pit Committee, appeared before the Tribunal on behalf of some of the workmen.

3. Shri S. N. Mullick, Hon. Secretary, Indian Mining Federation, with Shri D. P. Mitra Manager, New Satgram Colliery and Shri C. M. Dave, Manager of the Calcutta office appeared for the management.

4. The arguments of Shri Jagadish Pandey and Shri S. N. Mullick were heard. But before the rising of the court Shri S. K. Rudra, Office Secretary, Colliery Mazdoor Congress, Asansol, along with a legal practitioner, appeared before me. As an objection was raised by the management the legal practitioner was not allowed to appear. So the Office Secretary, Colliery Mazdoor Congress addressed the Tribunal.

5. The case of the Union is that the dispute arose with regard to certain demands of the workmen against the management. A notice of strike was served but due to the mediation of the Conciliation Officer, Government of India, Asansol, the strike was called off unconditionally on the assurance of the management that they would consider the legitimate demands of labour. Taking advantage of the fact that the strike was called off the management conceded to most of the demands but they did not concede the demand for supply of foodstuff at the prevalent rate in the environment. They further allege that in the collieries under Indian Mining Federation and Indian Mining Association, rice is supplied at annas six per seer and atta at annas 5½ per seer. But in the New Satgram Colliery rice is being supplied at As. 7 per seer and Atta at As. 8 per seer. They pray that the original rate of supplying rice at As 6 per seer and atta at As. 5½ per seer should be maintained. This statement was filed by one Shri Jagadish Pandey, describing himself as the General Secretary of the Colliery Mazdoor Congress, Asansol. But the President of the Mazdoor Congress Shri Devan Sen, M.L.A., sent a printed copy of a resolution saying that Shri Jagadish Pandey was no longer occupying that position. Another statement was filed by Shri Devan Sen. This Tribunal is not interested in the quarrels amongst Union officials and that is why the Tribunal decided to hear both Shri Jagadish Pandey and Shri S. K. Rudra, Office Secretary of the Colliery Mazdoor Congress.

6. The written statement filed under the signature of Shri Deven Sen is on the same lines as that of Shri Jagadish Pandey but it gives a few more details. The strike notice was given on 7th August 1951. An agreement was arrived at on 30th September 1951, on all points except the price of foodstuffs. They say that the enhancement of price of rice and atta is in violation of the terms of the C. B. Award by which the parties were bound and they claim that the prices should be reduced to the former level, and any changes made between the date of enhancement and the date of enforcement should be restored. In the course of the argument it transpired that the rate was enhanced from 1st October 1950.

7. The management on the other hand, point out that before the publication of the C. B. Award on 12th May 1947, the Central Government had made plans for rationing in the case of coalmines labour and that plan was to be revised from time to time. In April 1944 the Central Government made a revised plan for supply of standard ration to labour on payment of controlled prices. This was not applicable to collieries employing less than 1,000 persons and the Government did not take the responsibility of making supply of foodgrains to the member collieries of the Indian Mining Federation and Indian Colliery Owners Association. The New Satgram Colliery used to supply to the workmen rations on payment of prices at which the colliery purchased and procured the foodgrains from the open market. (Ex. 1 of the Tribunal). In July 1944 (Ex. 2), the West Bengal Government assumed the responsibility of making supply of rice available to the member collieries affiliated to the I.M.A., I.M.F., I.C.O.A., at the minimum scale prescribed under the revised rationing plan. This rationing scheme was again revised in March 1946 (Ex. 3) and the I.M.A., I.M.F., I.C.O.A., became responsible for getting the required supply of rations namely rice and atta from the Provincial Government and for distributing them to the mine owners for meeting basic and supplementary rations and the mine owners acted as authorised dealers for distributing the supplies to the workers and their dependants and rice was sold at prevailing controlled rates. On 12th May 1947 C. B. Award was published and the question of rationing was dealt with in para. 36 of that award. That paragraph is well known and I need not quote it in *extenso*. Nothing is said in that para. to the effect that the colliery owners should supply rice to the labourers on a price lower than the controlled rate.

8. The management further submit in their written statement in para 9 that in January 1949 the Sub Divisional Controller, Civil Supplies, Asansol, informed the New Satgram Colliery that they would not be given any licence for purchase and sale of rice with effect from 1st February 1949 and the manager was asked to surrender the licence and take up storage permit from the I.M.F. pool. Then there was a meeting of the Raniganj Coalfield Committee to consider the letter No. 5618/F/R/IIS-87/50, dated 13th September 1950 from the Deputy Director (P. & S.) Food. In accordance with those resolutions they issued instructions to their member collieries including the present management and in those instructions in para 2 the scale of distribution of foodgrains to be given in the colliery is mentioned. The management say that a copy of the above resolution was forwarded to the President, Colliery Mazdoor Congress. This system of rationed distribution took effect from 1st October 1950 and since then the New Satgram Colliery is charging the price of the basic ration on the pool rate and it is supplying 1/4 seer free rice for each manual worker per day. The management say that they have been following the instructions issued on the basis of the resolution of the Raniganj Coalfield Committee and it has to be followed by all the member collieries of I.M.F. The New Satgram is purchasing rice from the pool at the rate of Rs. 17-2-0 per ton and atta at Rs. 20 per ton. (See Ex. 8-1 to Ex. 8-4). The management further submit that the workers are getting from the colliery wages, cash concessions, and free rice in accordance with the recommendations of the C. B. Award. The statement made by the workers that other collieries are still receiving on the old rate cannot apply to New Satgram Colliery because other collieries may or may not be members of the Raniganj Coalfield Committee. They further point out that besides daily wages the workers are getting daily 1/4 seer free rice and cash concessions at the rate of As. 3½ to an unmarried employee and for a married couple As. 4½ and in the case of husband and wife the concession is As. 6½.

9. In the course of the argument it was further urged that the strike notice of 7th August 1951, came in after the change was introduced on 1st October 1950, after due notice to the workmen of the change of supply system of foodstuffs. A letter was received from the Ex. General Secretary, Colliery Mazdoor Congress, Shri Jagadish Pandey, stating that other collieries are still supplying rice and atta at the old rate and enquiries may be made to this effect. On the date of hearing the workmen had plenty of opportunity to produce evidence to that effect but nothing was done. Looking at the diary order of the Tribunal it will be seen how the case was delayed from time to time. Moreover it has not been pointed out in the course

of the argument that the New Sataram Colliery was acting in contravention of the resolution passed on 26th September 1950. This matter of supply of foodgrains at a concession rate came up for consideration before this Tribunal earlier in Reference No. 3 of 1948 published by the Government of India, Ministry of Labour, under Notification No. LR.2(172), dated the 10th July 1948, and para. 11 of that award is the relevant portion of the discussion on this subject.

10. In view of the various documents that have been placed before the Tribunal and also in view of para. 11 of Reference No. 3 of 1948 of this Tribunal, I am of opinion that no interference is called for in this case with regard to the rate of price charged for atta and rice in this colliery.

11. There was another line of argument that, when there was a previous agreement after the strike notice, between the parties and when for such a long time prices were charged at a particular rate, this sort of unilateral action should not be allowed. Perhaps this argument has been made under a misapprehension. There was no contract. So far as I have been able to find out the rates that were charged were changed from time to time as the various exhibits which I have referred to earlier show. Therefore the change under instructions issued by the Ranigunj Coalfield Committee by which this management is to a certain extent controlled cannot be said to be a breach of contract.

I am afraid no case has been made out for introducing the change in the present rates of which complaint is being made by the workmen in this colliery. I give my award accordingly.

Now, therefore, the Tribunal gives its award in terms aforesaid, this the 26th day of May 1952.

S. P. VARMA,

*Chairman,*

Central Government's Industrial Tribunal, Dhanbad.

DHANBAD;

*Dated the 26th May, 1952.*

[No. LR-2(354).]

N. C. KUPPUSWAMI, Under Secy.

*New Delhi, the 28th May 1952*

**S.R.O. 1024.**—In exercise of the powers conferred by sub-section (1) of section 6 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the Central Government hereby appoints the Conciliation Officers (Central) at Calcutta and Madras to be Inspectors at the ports of Calcutta and Madras respectively for the purposes of the said Act.

[No. Fac.73(4).]

S. NEELAKANTAM, Dy. Secy.

*New Delhi, the 28th May 1952*

**S.R.O. 1025.**—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby specifies each of the persons mentioned in the Schedule hereto annexed as the authority who may sanction the making of a report of the facts constituting an offence under the Coal Mines Bonus Scheme published with the notification of the Government of India in the Ministry of Labour No. P.F.16(1)/48, dated the 3rd July 1948.

#### *The Schedule*

1. The Chief Labour Commissioner (Central), New Delhi.
2. The Regional Labour Commissioner (Central), Dhanbad.

[No. P.F.16(25).]

**S.R.O. 1026.**—The following draft of an amendment to the Coal Mines Bonus Scheme, 1948, which it is proposed to make in exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948, (XLVI of 1948) is published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st July 1952.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

#### *Draft Amendment*

In sub-paragraph (1) of para 6 of the said Scheme after the words and figures "Industrial Disputes Act, 1947", the words "and days of absence from work on account of compulsory attendance in a Court of Law" shall be inserted.

[No. P.F.3(2)/52.]

**S.R.O. 1027.**—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Labour No. PF.15(27), dated the 22nd May 1951, namely:—

In the said Notification, for the words 'any Scheme' the words 'the Coal Mines Provident Fund Scheme' shall be substituted.

[No. P.F.16(25).]

SADASHIVA PRASAD, Dy. Secy.

*New Delhi, the 28th May 1952*

**S.R.O. 1028.**—In pursuance of sub-rule (2) of rule 30 of the Coal Mines Labour Welfare Fund Rules, 1949, and in supersession of the order of the Government of India in the late Department of Labour No. LMW 5(7)/45, dated the 30th June 1945, the Central Government hereby authorises the Coal Mines Labour Welfare Commissioner for purposes of the said sub-rule.

[No. M.1(7)51.]

*New Delhi, the 29th May 1952*

**S.R.O. 1029.**—In pursuance of rule 4 read with sub-rule (2) of rule 5 of the Coal Mines Rescue Rules, 1939, the Central Government hereby appoints Mr. R. Piatte, nominated by the National Association of Colliery Managers (Indian Branch) as a member of the Rescue Stations Committee constituted under the Notification of the Government of India in the Ministry of Labour No. S.R.O. 23, dated the 31st December 1951, *vice* Mr. R. Roberts Arnold who has proceeded on leave ex-India.

[No. M.54(1)52.]

*New Delhi, the 31st May 1952*

**S.R.O. 1030.**—The following draft of an amendment to the Coal Mines Labour Welfare Fund Rules, 1949, which it is proposed to make in exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st July 1952.

Any objection or suggestion which may be received from any person regarding the said draft before the date specified will be considered by the Central Government.

*Draft Amendment*

"After sub-rule (4) of rule 32 of the said Rules, the following sub-rule shall be inserted, namely:—

'(5) Notwithstanding anything contained in this rule, if the Commissioner is satisfied with respect to the owner of any colliery that no coal or coke was despatched by him otherwise than by rail during the preceding twelve months he may by a permit in writing allow him to submit, in place of a monthly Return, a consolidated Return in Form D for such period not exceeding one year as may be specified in the permit. A consolidated return so submitted shall reach the Commissioner not later than the last day of the month immediately following the period specified in the permit'.

[No. M-1(4)/52.]

P. N. SHARMA, Under Secy..

